



April 20, 2006

Mr. Jerome H. Winter
1101 First Street, #407
Coronado, California 92118

RE: 3rd Iteration Biological Letter Report for the Proposed 19.73-Acre Mission Ridge Road Subdivision Project, Fallbrook, California - TPM 20793 / Log No. 03-02-068

Dear Mr. Winter:

1.0 INTRODUCTION

At your request, Ecological Ventures California, Inc. conducted a general biological survey and vegetation mapping, a focused coastal California gnatcatcher (*Poliophtila californica californica*) survey, and habitat assessments for the following Federally listed species: Stephens' kangaroo rat (*Dipodomys stephensi*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax trailii extimus*), and arroyo southwestern toad (*Bufo microscaphus californicus*) within your 19.73-acre Mission Ridge Road property. The purpose of these surveys and habitat assessments is to provide you with an assessment of the study area's existing and potentially occurring biological resources. This report has been prepared for your use in negotiating the suitability of this property for a proposed lot-split and submittal of a Tentative Parcel Map (TPM) for the future development of four residences on four separate 4.37 to 5.25-acre lots. This report discusses the findings of the surveys and proposed development impacts to habitats.

A meeting was attended on 17 March 2005 with County of San Diego Department of Planning and Land Use (DPLU) (Ms. Christine Stevenson and Ms. Gail Wright), HL Engineering (Mr. Rick Lantis), yourself, and Ecological Ventures (Mr. Robert Faught and Ms. Julie Alpert) to discuss the Limited Building Zone and Open Space requirements. A batching meeting was attended on September 15, 2005 with DPLU (Ms. Christine Stevenson and Ms. Megan Hamilton), California Department of Fish and Game (CDFG) (Ms. Nancy Frost), U.S. Fish and Wildlife Service (USFWS) (Ms. Michelle Moreno), yourself, and HDR, Inc. (Mr. Bob Faught and Ms. Julie Alpert) to discuss impacts to coastal sage scrub, the Habitat Loss Permit (HLP) and process, map and acreage changes, and location of project site within Draft North County Multiple Species Habitat Conservation Plan (Draft NCMSHCP) area. A follow up meeting was held on November 17, 2005 with DPLU to review CDFG and USFWS comments regarding a request for *de minimus* pursuant to the HLP. Changes within this letter report reflect both those agreed upon items at the meetings and written comments from Ms. Stevenson dated January 28, 2005, as well as all other subsequent comments from the DPLU, USFWS, and CDFG..

Please note that as of June 2005, Ecological Ventures California, Inc. ceased business operations and Mr. Faught and Ms. Alpert were subsequently retained by HDR, Inc. This report reflects HDR's formatting style. Figures 4 and 5 were created from base maps on HDR's GIS program, with accurate re-calculation of on-site vegetation communities. No other changes have been made by HDR, Inc. except those requested by DPLU.

2.0 SITE LOCATION, TOPOGRAPHY, AND SOILS

The 19.73-acre Mission Ridge Road property is located within the rural community of Fallbrook. The property is located approximately 0.5-mile east of Interstate 15, 3 miles south of the community of Rainbow, and approximately 8.5 miles north of the San Luis Rey River (Figure 1). Surrounding land uses include avocado and citrus orchards, single-family residences, and plant nurseries.

The site ranges in elevation from approximately 835 feet Average Mean Sea Level (AMSL) on the property's western boundary to 610 feet AMSL at the property's northeastern boundary. The study area's general topographic character is comprised of a broad (previously leveled and terraced) hilltop bordered on three sides by steep slopes and ravines (peninsular in general shape).

Soils located within the property boundaries are mapped as Vista rocky coarse sandy loam on 15 to 30 percent slopes. However, it should be noted that the areas being proposed for potential residential development have been previously graded and terraced and the adjacent slopes utilized as orchards.

3.0 CURRENT AND HISTORIC LAND CONDITIONS AND USES

Historically, the 19.73-acre Mission Ridge Road property was part of a fruit tree orchard operation. The hilltop of the site was graded (leveled) and the decomposed granite exported from the site under Grading Permit L-1515. The County Department of Public Works approved the work allowed under this permit on March 7, 1994.

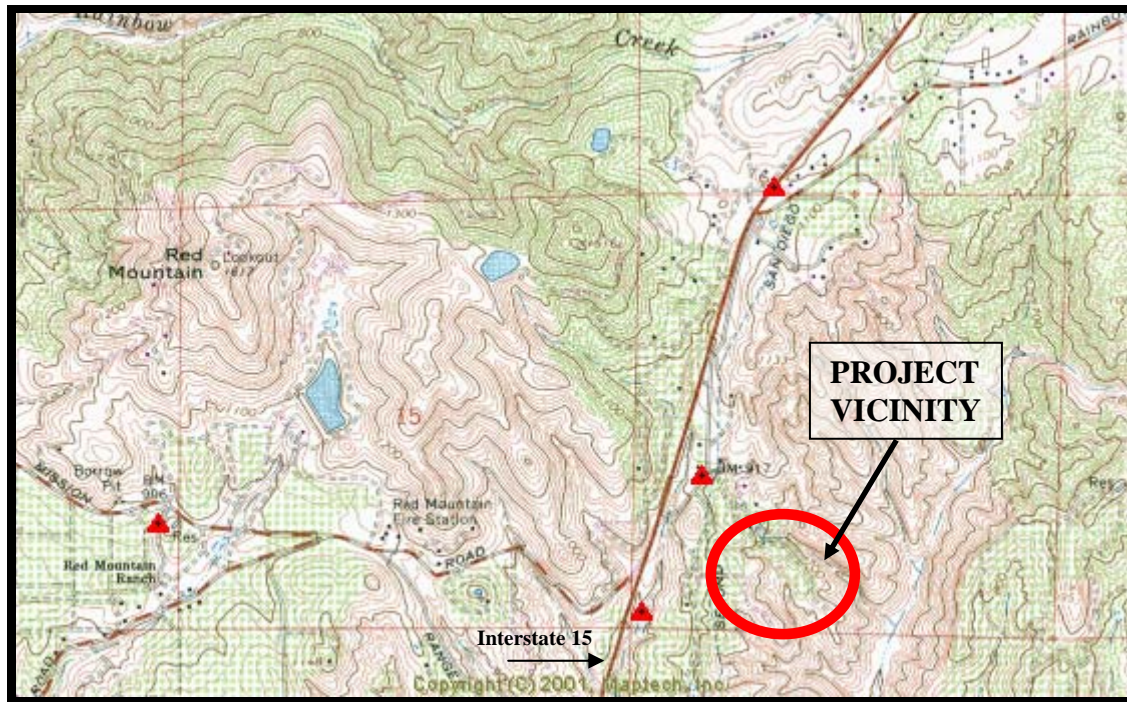
4.0 PROJECT DESCRIPTION

The project applicant proposes a four-lot split for this 19.73-acre property for rural residential development. Table 1 describes the gross acreage of each lot and the proposed direct permanent development impacts. Proposed access to the 4+-acre lots will be via Mission Ridge Road.

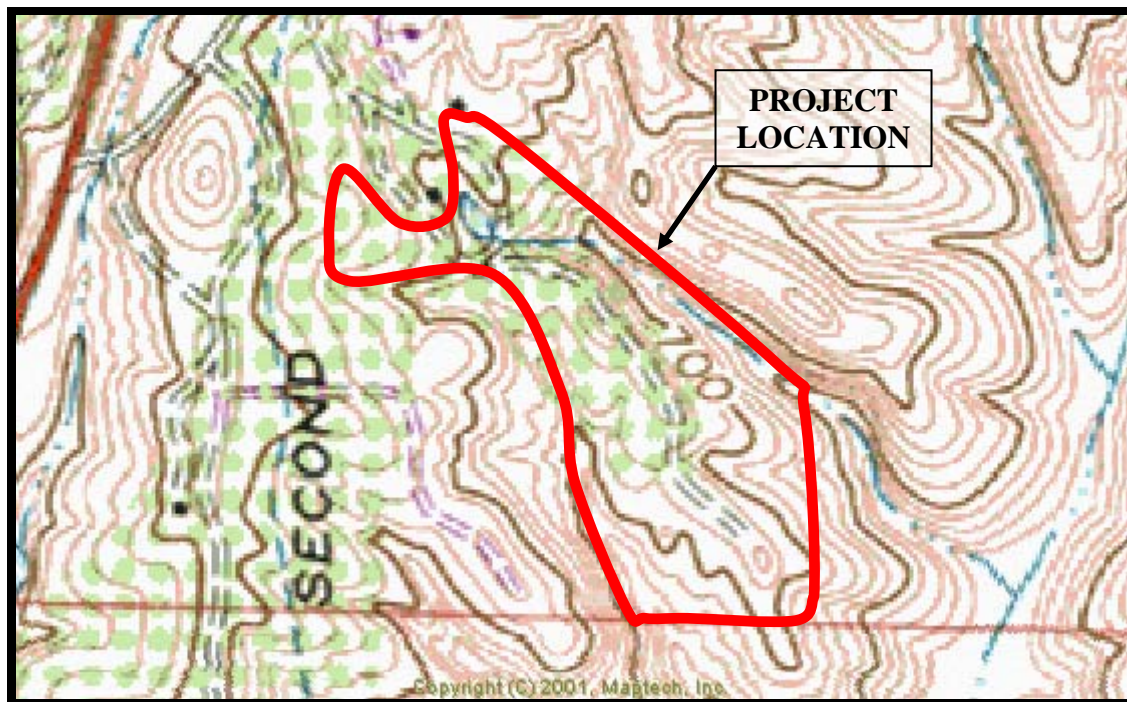
Table 1. Proposed 19.73-Acre Mission Ridge Road 4 Lot Subdivision Development Project Acreage Summary

Lot #	Total Acreage	Proposed Developed Acreage*
1	5.10-Acres	3.08-Acres
2	4.37-Acres	2.43-Acres
3	5.01-Acres	2.87-Acres
4	5.25-Acres	3.02-Acres

*Acreage includes entire Development Footprint and 100-Foot Wide Fuel Modification/Limited Building Zone



1:24,000



1:12,000

FIGURE 1
PROJECT VICINITY AND PROJECT LOCATION
19.73-ACRE MISSION RIDGE ROAD SUBDIVISION PROJECT

Permanently developed acreage within each lot is as follows:

- Permanent impacts on each of the four Lots will encompass a proposed single family residential pad site with a septic drain field; 100-foot-wide Fuel Modification/Limited Building Zone easement (FM/LBZ); a 24-foot-wide paved access road; a paved 18-foot-wide private driveway; eight storm water runoff drains that include concrete spillways leading to rock rip-rap and 5-foot-wide by 15-foot-long bio-filters; an approximately 20-foot-wide SDG&E easement (Lot 4), and associated septic tanks, drain lines, and drain/leach fields. Additionally, acreage within the 100-foot-wide FM/LBZ (located adjacent to “impact neutral” Open Space Easements) will be considered as impacted acreage. All permanent impacts and FM/LBZ will be mitigated off-site at the Daley Ranch Conservation Bank. The Limited Building Zone Easement will limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibits the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:
 - a. Decking, fences, and similar facilities.
 - b. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.
- Dedicated “impact neutral” Open Space Easements will include open coast live oak woodland and approximately 13 isolated oak trees; southern coast live oak riparian forest; disturbed southern willow scrub; Diegan coastal sage scrub; granitic southern mixed chaparral; non-native grassland; fallow orchards that will return to non-native grassland; and County Resource Protection Ordinance (RPO), State and Federal designated jurisdictional wetlands and waters. All RPO wetlands will have a 50-foot buffer on either side of the wetland unless restricted by adjacent off-site property (Lots 2 and 3), with exception of Lot 1, where the wetland buffer will be 25 feet wide on the west side of the wetland due to steep slope and narrow Lot building constraints. “Impact neutral” Open Space Easements will be buffered by the 100-foot-wide FM/LBZ and will be posted to prevent any use by residents and adjacent landowners. “Impact neutral” Open Space Easements will not be used to mitigate project impacts, these easements will however contribute toward the preservation of existing native habitat in the Fallbrook area. All permanent impacts and FM/LBZ will be mitigated off-site at the Daley Ranch Conservation Bank.
- Off-site impacts to biological resources related to the improvement of Mission Ridge Road between the property and Mission Road will not occur. Approximately 0.004-acre of disturbed habitat will be impacted. The existing width of Mission Ridge Road varies from 16 feet wide at the property entrance to 37 feet wide at the top of Mission Ridge Road where it intersects Mission Road. The overall length of Mission Ridge Road from the Mission Road intersection to the property entrance is approximately 1,238-linear feet. Mission Ridge Road’s recorded easement width is 40 feet. The County’s Department of Public Works requirements of a 24-foot-wide residential access road can be accommodated within and adjacent to the existing pavement and dirt road sections of Mission Ridge Road (Photographs 5 through 9 in Appendix A). Road improvements will consist of minor widening and re-paving/re-surfacing. All electric, water, sewage, and telephone connections will occur on-site within the proposed project footprint.

5.0 SURVEY METHODS AND LIMITATIONS

Mr. Robert M. Faught (Senior Wildlife Ecologist/County Certified Biologist) and Ms. Julie B. Alpert (Senior Wildlife Biologist) conducted general biological, sensitive plant, and focused coastal California gnatcatcher surveys within the property boundaries. Mr. Faught and Ms. Alpert also conducted arroyo southwestern toad, least Bell's vireo, southwestern willow flycatcher, and Stephens' kangaroo rat habitat assessments. The general and focused biological surveys and habitat assessments were conducted on March 31, April 7 and 14, and July 7, 2004, between the hours of 0730 and 1600 under clear skies with temperatures ranging between 62° and 88° F, and with winds generally out of the northwest at approximately 2 to 8 miles per hour. The purpose of the surveys was to identify and delineate existing and adjacent vegetation communities, wildlife habitats, and locate and map, if detected, any sensitive biological resources. The coastal California gnatcatcher survey results report can be found in Appendix B of this report. The Stephens' kangaroo rat habitat assessment can be found within Appendix C of this report. Survey results and habitat assessment findings are discussed within Section 7.0 of this report.

6.0 RESULTS OF THE 19.73-ACRE MISSION RIDGE ROAD PROPERTY GENERAL AND FOCUSED BIOLOGICAL SURVEYS

6.1 Vegetation Communities and Wildlife Habitats

Vegetation types or plant communities are assemblages of plant species that usually coexist in the same area. The classification of vegetation communities is based upon the life form of the dominant species within that community and the associated flora. Vegetation classification system used in this letter report follow those of Holland (1986) pursuant to the latest San Diego Regional Holland Code Classification System for vegetation communities. Species names follow that of Hickman (1993) and Beauchamp (1986). Currently, the Mission Ridge Road property supports the following vegetation and wildlife habitat communities and features: Open Coast Live Oak Woodland (OCLOW), Southern Coast Live Oak Riparian Forest (SCLORF), Disturbed Southern Willow Scrub (DSWS), Diegan Coastal Sage Scrub (DCSS), Granitic Southern Mixed Chaparral (SMC), Non-Native Grassland (NNG), Orchard (OC), and Disturbed Habitat (DH) (Table 2; Figure 2; and Photographs 1 through 4 in Appendix A). Botanical species identified within each vegetation community can be found within Appendix D, listed by order of dominance.

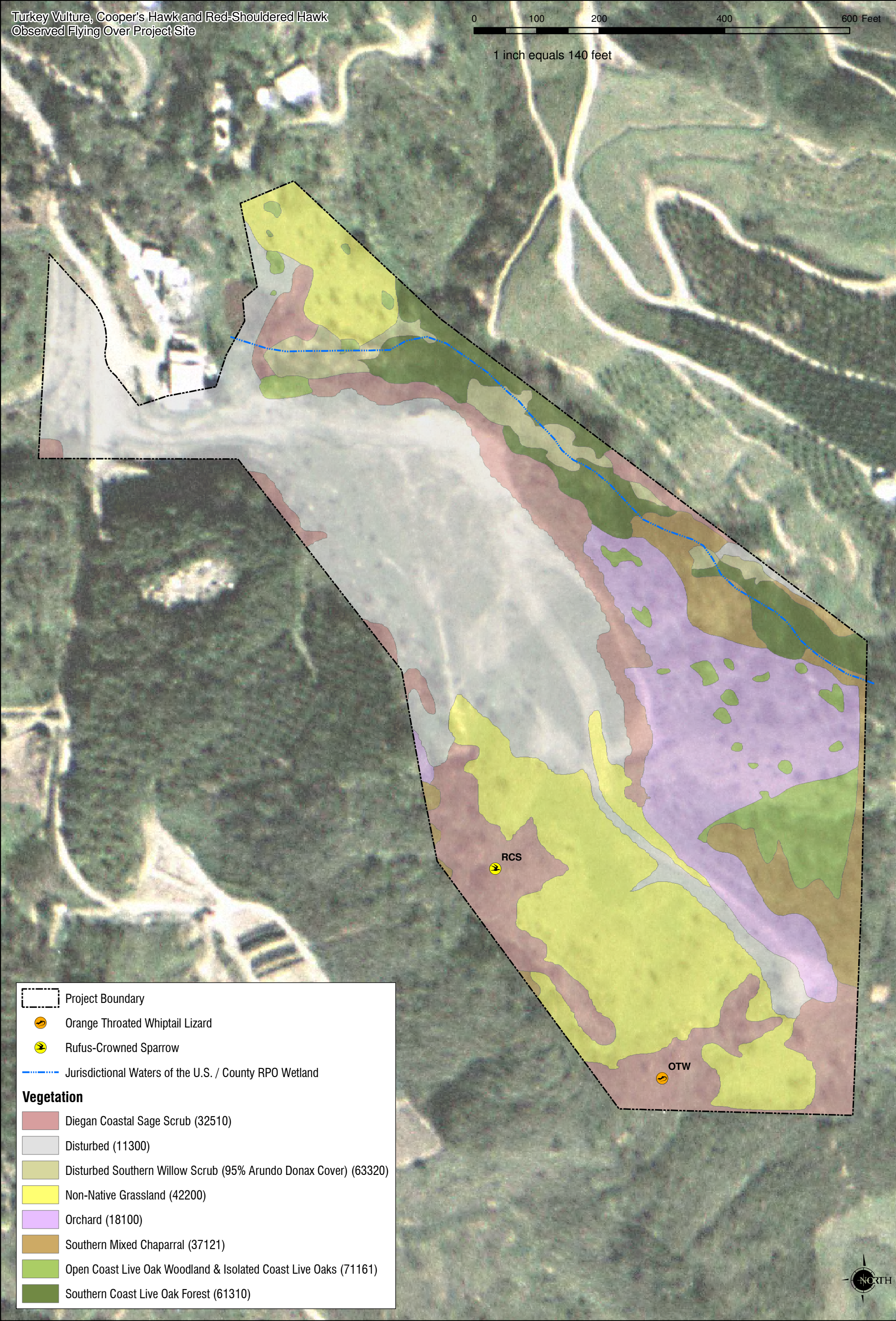
**Table 2. Vegetation Community Acreages Within the
19.73-Acre Mission Ridge Road Property**

OCLOW	SCLORF	DSWS	DCSS	SMC	NNG	OC	DH
0.82-Acre	1.18 Acres	0.61-Acre	3.17 Acres	1.13 Acre	3.91 Acres	2.73 Acres	6.19 Acres

6.1.1 Open Coast Live Oak Woodland (71161) (0.82 Acres)

Coast live oak woodland is an open to dense tree community with coast live oak (*Quercus agrifolia*) as the dominant overstory species. This community can occur on mesic north facing slopes and in canyon bottoms. This community is well represented in the cismontane, interior valleys and transmontane foothills of the Peninsular Ranges (Beauchamp 1986; Barbour 1988). The shrub understory of this community is poorly developed, but may include: Mexican elderberry (*Sambucus mexicana*),

Turkey Vulture, Cooper's Hawk and Red-Shouldered Hawk
Observed Flying Over Project Site



Vegetation Map
FIGURE 2

gooseberry (*Ribes* sp.), poison oak (*Toxicodendron diversilobum*), and toyon (*Heteromeles arbutifolia*) (Beauchamp 1986; Holland 1986). An herbaceous stratum is usually present including miner's lettuce (*Claytonia perfoliata* var. *perfoliata*), chickweed (*Stellaria media*), and non-native grasses. Within the Mission Ridge Road property, the Open Coast Live Oak Woodland was identified near the site's northern boundaries just below the northern limits of the leveled hill top. However, it should be noted that the site also supports numerous scattered individual oaks (approximately 13). The open coast live oak woodland identified on-site supports four plant species.

6.1.2 Southern Coast Live Oak Riparian Forest (61310) (1.18 Acres)

Riparian communities occur along stream courses and drainages and are floristically and structurally distinct from the adjacent upland communities. Riparian communities may be floristically similar to each other but may sufficiently differ enough in structure to warrant different classifications (forests, woodlands, scrub). Riparian woodlands and forests are mostly composed of winter-deciduous tree species that form a distinct tree stratum. Riparian scrub communities may be floristically similar to riparian forests and woodlands but because of some recent perturbation, may not have had sufficient time to develop an upper tree stratum (e.g., the community consists of juvenile species). Most riparian species are restricted to areas of a high water table (e.g., drainages) because of the need to offset the large amounts of water lost through transpiration needed to maintain homeostasis. Most of the dominant species in these communities require moist, bare mineral soils for germination and establishment (much like the conditions following periodic flooding) (Holland 1986).

Southern Coast Live Oak Riparian Forest is an open to dense evergreen riparian forest that is dominated by coast live oak. This community occurs along the outer floodplains of canyons and valleys on fine textured alluvial soils (Holland 1986). Associated species include: toyon, Mexican elderberry, poison oak, and California blackberry (*Rubus ursinus*).

This plant community is found within an intermittent unnamed 2nd Order Tributary to the San Luis Rey River. It is located along the eastern boundary of the property. Eighteen plant species were found within the Southern Coast Live Oak Riparian Forest vegetation community.

6.1.3 Southern Willow Scrub (63320) (0.61 Acres)

Southern willow scrub is a dense, broad-leaved, winter deciduous riparian thicket dominated by several species of willow (*Salix* sp.) in association with mule fat. Scattered individuals of cottonwood (*Populus* sp.) and western sycamore may exist as canopy emergents. This is an early seral community that requires periodic flooding for its maintenance (Holland 1986). In the absence of periodic flooding, this community would develop into a riparian woodland or forest. Over time as individuals grow, intra- and inter-specific competition increases as resources diminish, resulting in an increase in mortality. A small portion of individuals will survive by out-competing others and will form the tree stratum. Those other individuals which do not die or become established in the upper stratum will exist as suppressed juveniles in the understory. Disturbed Southern Willow Scrub can be found within the unnamed 2nd order tributary to the San Luis Rey River located in small patches throughout the Southern Coast Live Oak Riparian Forest. It should be noted that some areas of Disturbed Southern Willow Scrub are almost completely invaded by *Arundo donax*. Three plant species were found within the Disturbed Southern Willow Scrub vegetation community.

6.1.4 Diegan Coastal Sage Scrub (32510) (3.17 Acres)

Coastal sage scrub is one of the major shrub dominated (scrub) communities within California. This community occurs on xeric sites with shallow soils. Sage scrub species are typically drought deciduous plants with shallow root systems. Both of these adaptations allow for the occurrence of sage scrub species on these xeric sites. Coastal sage scrub may be dominated by a variety of different species depending upon site-specific topographic, geographic and edaphic conditions.

Within San Diego County, there are several recognized sub-associations of coastal sage scrub based upon the dominant species. Typical coastal sage scrub dominants include: California sagebrush (*Artemisia californica*), flat-top buckwheat (*Eriogonum fasciculatum*), laurel sumac (*Malosma laurina*), black sage (*Salvia mellifera*), lemonade berry (*Rhus integrifolia*), and California encelia (*Encelia californica*). Coastal sage scrub can be found in a narrow band along the western and southern property boundaries and between the disturbed habitat and Southern Coast Live Oak Riparian Forest near the eastern property boundary. Thirteen plant species were found within the Diegan Coastal Sage Scrub vegetation community.

6.1.5 Granitic Southern Mixed Chaparral (37121) (1.13 Acres)

Southern mixed chaparral is a diverse mixture of sclerophyllous shrubs that occur in the foothills of San Diego County and northern Baja California (Holland 1986). Southern mixed chaparral has a more pronounced community structure (canopy height and higher cover values) than other chaparral communities. Southern mixed chaparral typically occurs on north-facing slopes where micro-environmental conditions are more mesic. This community is widespread in San Diego County and as such, exhibits a great deal of floristic variability between localities (Beauchamp 1986). Chamise, mission manzanita (*Xylococcus bicolor*), and scrub oak (*Quercus berberidifolia*) are the most widespread species, with other species becoming locally important.

The southern mixed chaparral on site is typical of most southern mixed chaparral habitats and can be found in patches along the eastern boundary and in small inclusions along the western boundary. Twenty-one plant species were found within the Granitic Southern Mixed Chaparral vegetation community.

6.1.6 Non-Native Grassland (42200) (3.91 Acres)

Most of the grasslands in the coastal and foothill areas of San Diego County are dominated by exotic, annual grasses of Mediterranean origin. The factors that contributed to the replacement of native grasslands by non-native grasslands are many. The Mediterranean region has a maritime climate similar to that of much of cismontane California. The Mediterranean region has a long history of agriculture and grazing activities and many of these introduced species are disturbance associated. Many of these species are thus pre-adapted to areas with similar climates and disturbance regimes. Intensive grazing and agriculture, accidental and intentional species introductions, along with some severe droughts during the early Spanish Era, allowed for the successful invasion of these exotic species and the subsequent displacement and exclusion of native grasses. Non-Native Grassland can be found near the southern and northern property boundaries. Twelve plant species were found within the Non-Native Grassland vegetation community.

6.1.7 Orchard (18100) (2.73 Acres)

The Mission Ridge Road project site has one avocado grove located near the southeastern portion of the property. This grove is currently being managed by the property owner. At the time of our survey, 15 plant species were identified within this grove.

6.1.8 Disturbed Habitat (11300) (6.19 Acres)

A large portion of the Mission Ridge Road project site is comprised of Disturbed Habitat. The disturbed habitat is largely denuded (approximately 50%) and is located within the central and northern portions of the site. This area was originally a hilltop and was graded for a nursery site. Nineteen plant species were observed within the Disturbed Habitat.

6.2 Wildlife Habitats

Wildlife habitats differ from vegetation communities in that a wildlife habitat may contain several vegetation communities, which are similar in structure but different in their plant species composition, location, and soil substrate. This distinction becomes an important factor when assessing the sensitivity of a particular wildlife habitat. An example of this would be a shrubland habitat that is composed of a non-sensitive vegetation community (e.g., chamise chaparral) versus the sensitive vegetation communities (Diegan coastal sage scrub or mulefat scrub). The Mission Ridge Road property contains four wildlife habitat types: oak woodland, shrubland, and non-native annual grassland.

These wildlife habitat types are inclusive of various vegetation communities described above. In addition, the interaction of various wildlife species occur between many different wildlife habitats. This becomes even more evident where these habitats overlap in areas known as ecotones. These ecotones usually support a combination of the species from the two or more adjoining habitats, which generally increases the number and diversity of species within these areas. Several ecotones occur within the Mission Ridge Road property with the most significant being the oak riparian woodland and shrublands located along the eastern portion of property.

The Mission Ridge Road property only offers a small area of readily available foraging area for raptors such as the red-tailed hawk (*Buteo jamaicensis*) within the disturbed, non-native grassland, and fallow orchard habitats. It should be noted that the site is comprised primarily of compacted and disturbed soils that show little evidence of active rodent colonies (i.e., California ground squirrel (*Spermophilus beechyi*)). Of particular note is the available higher quality foraging opportunities located within the riparian woodland and adjacent shrubland for raptors such as the Cooper's hawk (*Accipiter cooperii*) and red-shouldered hawk (*Buteo lineatus*).

The higher quality riparian woodland habitat offers mature trees suitable for raptor nesting. However, it is believed that raptors are avoiding this location for nesting due to the immediately adjacent and off-site clearing of habitat for orchards and the elevation at which the on-site disturbed pads are situated in which the tree tops are clearly visible and therefore exposed to a higher level of disturbance from human presence.

Animals exhibit varying degrees of affinity for different habitat types. This affinity, either an obligate, partial obligate, or facultative relationship may change seasonally as the subject species' prey base and/or habitat requirements change. Many animals have extremely specific habitat needs during their breeding

cycle. Loss of an animal's specific breeding habitat type usually results in reproductive failure and concomitant population reductions.

Within the Mission Ridge Road property there is evidence to support that this property could potentially be used as a wildlife movement and/or dispersal corridor. It is likely that mammals may utilize the mature orchard groves and riparian corridors within the area for movement. The riparian woodland located on the eastern boundary of the property could potentially serve as a wildlife corridor for through movement to the north and south. This riparian corridor will most likely be utilized by coyotes and other medium and small predator and prey mammals, reptiles, and birds.

As proposed, the lot split and proposed single-family residences should not have any adverse affects on wildlife movement within the riparian corridor due to the steep topography of the hillsides and the fact that the proposed residences will be located at a higher elevation with a set-back from the corridor, thereby precluding light and noise impacts. This corridor and other habitats will be included within the overall dedicated "impact neutral" open space easement.

6.3 Zoological Resources

Forty-three animal species were detected during the general and focused biological surveys and habitat assessments of the 19.73-acre Mission Ridge Road property (Appendix E). Animal species present on site were identified by direct observation or observation of sign (tracks, scat, dens, etc.)

6.4 Sensitive Biological Resources

6.4.1 Sensitive Vegetation Communities

The County of San Diego's Resource Protection Ordinance (RPO) (10 October 1991) defines "Sensitive Habitat Lands" as follows:

Land which supports unique vegetation communities, or habitats of rare or endangered species or sub-species of animals or plants as defined by Section 15380 of the State of California Environmental Quality Act (CEQA) Guidelines (14 Cal. Admin. Code Section 15000 et seq.). "Sensitive Habitat Lands" include the area which is necessary to support a viable population of any of the above species in perpetuity, or which is critical to the proper functioning of a balanced natural ecosystem or which serves as a functioning corridor.

Under the above definition, the vegetation communities and wildlife habitats identified within the Mission Ridge Road property boundaries would meet the criteria of "Sensitive Habitat Lands" based on the presence of County, State, and Federal jurisdictional waters and wetlands, Open Coast Live Oak Woodland, Southern Coast Live Oak Riparian Forest, Disturbed Southern Willow Scrub, and Diegan Coastal Sage Scrub.

6.4.2 Wetlands and Waters

The Mission Ridge Road property contains one Jurisdictional Water of the United States located along the northeasterly boundary of the property. This Jurisdictional Water is an unnamed 2nd Order Tributary to the San Luis Rey River which is located approximately 8.5 miles to the south. This unnamed tributary is

under the jurisdictions of the Army Corps of Engineers pursuant to Sections 401 and 404 of the Clean Water Act, the California Department of Fish and Game pursuant to California Code of Regulations Section 1600, and the County of San Diego pursuant to their definition of RPO wetlands.

The RPO definition of a wetland deviates from the Federal wetland definition by stating that an area need only meet one of the three federal wetland criteria to be designated as a functional wetland. The three Federal wetland criteria are defined as:

- At least periodically, the land supports predominantly hydrophytes (plants whose habitat is water or very wet places);
- The substratum is predominantly undrained hydric soil; or
- The substratum is non-soil and is saturated with water or covered by water some time during the growing season of each year.

The County RPO wetland includes Southern Coast Live Oak Riparian Forest and disturbed Southern Willow Scrub. The average width of the Waters of the United States is 4-feet. This County RPO wetland and Waters of the United States will not be impacted within the proposed lot split and residential development FM/LBZ. In addition, the County RPO wetland will be preserved within the “impact neutral” Open Space easement and will have a 50-foot-wide buffer around it (Lots 2 and 3), with the exception of Lot 1 where the wetland buffer will be 25 feet wide on the west side of the wetland due to steep slope and narrow Lot building constraints.

6.4.3 Sensitive Botanical Resources

Sensitive plants include those listed by the United States Fish and Wildlife Service (USFWS) (1992) and California Department of Fish and Game (CDFG) (1994); the County of San Diego and/or the California Native Plant Society (Skinner and Pavlik 1994). No sensitive plant species were identified on-site, however, there is a potential for the occurrence of at least two sensitive plant species on the Mission Ridge Road property which have a low potential for occurrence. These species include: Prostrate Spineflower (*Chorizanthe procumbens*) and Cooper’s Rein Orchid (*Piperia cooperi*). These potentially occurring sensitive plant species are discussed in detail in Table 1 of Appendix F.

6.4.4 Sensitive Zoological Resources

Sensitive animals are species or subspecies listed as threatened, endangered, or being evaluated (proposed) for listing by the USFWS (1994) or by the CDFG (1991b, 1992b, 1992c, 1992d), and/or are considered sensitive by the CDFG (1994b) or the county of San Diego. No federally listed threatened/endangered/proposed animal species were observed during the general biological and/or focused surveys of the property. Ecological Ventures California, Inc. did detect five County sensitive zoological species during their general and focused surveys of the site: Orange-Throated Whiptail (*Cnemidophorus hyperythrus*), Turkey Vulture (*Cathartes aura*), Cooper’s Hawk, Red-Shouldered Hawk, and Rufus-crowned sparrow (*Aimophila ruficeps canescens*) (Figure 2). The orange-throated whiptail was observed within Diegan coastal sage scrub habitat near the southern property boundary. The turkey vulture, Cooper’s hawk, and red-shouldered hawk were observed flying over the property. Only one rufus-crowned sparrow was observed within the Diegan coastal sage scrub near the western boundary of the property. No nesting raptors occur on-site. It should be noted that the Cooper’s hawk was observed flying over the site during the coastal California gnatcatcher survey.

There is a potential for the occurrence of at least eight sensitive zoological species on the Mission Ridge Road property which have a low to high potential for occurrence. These species include: San Diego Horned Lizard (*Phrynosoma coronatum blainvillei*), Silvery Legless Lizard (*Anniella pulchra pulchra*), Northern Red-Diamond Rattlesnake (*Crotalus ruber ruber*), Mountain Lion (*Felis concolor*), Southern Mule Deer (*Odocoileus hemionus*), Sharp-Shinned Hawk (*Accipiter striatus*), Bell's Sage Sparrow (*Amphispiza belli belli*), and Loggerhead Shrike (*Lanius ludovicianus*). These potentially occurring sensitive zoological species are discussed in detail in Table 2 of Appendix F. California Natural Diversity Data Base forms can be found in Appendix G for California Species of Special Concern (Cooper's hawk, rufus-crowned sparrow, and orange-throated whiptail).

6.4.4.1 Coastal California Gnatcatcher

A focused U.S. Fish and Wildlife Service protocol coastal California gnatcatcher survey was conducted by Ecological Ventures during the 2004 breeding season (Appendix B). The results of this survey were negative for the presence of the coastal California gnatcatcher. This species is not expected to occur on-site due to the limited and fragmented amount of sage scrub available and the senescent, mesic, and recovering structure of the available sage scrub; neither of which could fully support a breeding pair of gnatcatchers. The nearest known pair of gnatcatchers located on the east side of Interstate 15 is approximately 10 miles to the south near the Lawrence Welk Village. Gnatcatchers do occur within appropriate sage scrub west of Interstate 15 along the San Luis Rey River drainage and within adjacent communities.

6.4.4.2 Stephens' Kangaroo Rat

A Stephens' kangaroo rat (SKR) habitat assessment was conducted to determine if the presence of this species was evident based on above-ground diagnostic sign (scat, burrows, tail drag, dust bathing sites) (Appendix C). Presence of any diagnostic sign or reasonable suspicion of this species presence on site would warrant trapping for this species, however, no diagnostic sign was identified on-site and the site is unsuitable for occupation or colonization. No SKR or other kangaroo rat sign was detected within the 19.73-acre Mission Ridge Road property. In addition, the site has been utilized in the recent past for agriculture, including avocado and citrus orchards.

A portion of the site was graded in the past to create a level site and would be the most likely area to find SKR. However, due to the compaction and nature of the soils on-site (Vista rocky coarse sandy loam) it is unlikely that this site has or will ever be suitable for occupation. More appropriate soils for the SKR to colonize include the Fallbrook sandy loam series on slopes of less than 9 percent as seen at Marine Corps Base Camp Pendleton. Current sign of small mammal use within the property boundaries include evidence of Botta's pocket gopher (*Thomomys bottae*) and California ground squirrel. In addition, the nearest known populations are located approximately 8-miles to the west within Fallbrook at the Fallbrook Naval Weapons Station and at Marine Corps Base Camp Pendleton, approximately 28 miles to the southeast at Lake Henshaw in the Warner Springs Valley, and approximately 12 miles to the north within Riverside County. This species is not expected to occur on-site.

6.4.4.3 Least Bell's Vireo

A least Bell's vireo habitat assessment was conducted to determine if the presence of this species occurs on-site along the western portion of the property or within the eastern drainages. Appropriate nesting habitat does not occur for this species within either drainage due to the lack of mule fat scrub and low-

growing willows and developed mid-story within the Southern Coast Live Oak Riparian Forest and Disturbed Southern Willow Scrub habitats. In addition, no least Bell's vireo were visually seen or heard calling within these habitats during any of the springtime site visits. The nearest known nesting pairs have been located within the San Luis Rey River approximately 8 miles to the south of the property. This species is not expected to occur on-site.

6.4.4.4 Southwestern Willow Flycatcher

A southwestern willow flycatcher habitat assessment was conducted to determine if the presence of this species occurs on-site within the eastern drainage. Appropriate nesting habitat does occur for this species within the Southern Coast Live Oak Riparian Forest, however, other requirements for this species functions were not evident. These include access to open water within the drainage – this drainage is intermittent and was dry at the time of the habitat assessment and a well-developed mid- and understory of native species such as mule fat and willow. In addition, no southwestern willow flycatchers were visually seen or heard calling within this habitat during any of the springtime site visits. The nearest known nesting pairs have been located within the San Luis Rey River approximately 8 miles to the east and approximately 8 miles or more to the southwest. This species is not expected to occur on-site.

6.4.4.5 Arroyo Southwestern Toad

An arroyo southwestern toad habitat assessment was conducted to determine if the presence of this species occurs on-site the western portion of the property or within the eastern drainages. Surveys were conducted during daylight hours prior to the initiation of coastal California gnatcatcher surveys to optimize our time on the site and to locate egg masses, tadpoles, active juveniles, or active adults. No appropriate breeding habitat occurs within either location due to the lack of sufficiently flowing water, the lack of appropriate gravelly substrate, the lack of pools and riffles, and the lack of sandy benches. The eastern drainage is intermittent and was dry at the time of the habitat assessments. In addition, no arroyo southwestern toads were visually seen or heard calling/trilling within this habitat during any of the springtime site visits. This species is not expected to occur on-site. The nearest known populations of arroyo toads occur within the San Luis Rey River drainage approximately 8 miles south of the property.

7.0 IMPACTS TO BIOLOGICAL RESOURCES AND RECOMMENDED MITIGATION MEASURES

Impacts assessed to biological resources include direct, indirect, and cumulative impacts of both a temporary or permanent nature. These impacts are defined as follows:

- Direct impacts are those that affect the biological resources such that those resources are not expected to recover to their pre-impacted state (e.g., permanent development of a site through grading and building of structures, etc.). Direct impacts may be considered temporary or permanent (e.g., the installation of a pipeline is considered a direct and temporary impact, whereas the construction of a building is considered a direct and permanent impact).
- Indirect impacts occur secondary to the project's direct impacts, such as changes in general plant composition due to loss of substrate or other factors that may affect resources such as noise, dust, lighting, etc. Indirect impacts may be considered temporary or permanent depending upon the situation, for example, the dust or noise levels associated with the construction of the new building is considered an indirect and temporary impact, whereas the support functions of a structure, such as the parking lot, will have indirect and permanent impacts such as lighting, and storm water runoff.

- Cumulative impacts are assessed to determine the long term cumulative effects of the specific project's implementation, as well as any other projects occurring within the foreseeable future on a local and regional scale (e.g., incremental habitat or species reduction).

Impacted vegetation communities and associated mitigation ratios are as follows pursuant to County guidelines and the Natural Communities Conservation Plan Implementing Agreement:

- All impacts to Diegan Coastal Sage Scrub will require mitigation at a ratio of 2:1 (for every one acre impacted, two acres will need to be mitigated) based on the CSS Evaluation Logic Flow Chart as discussed in Section 7.1.1.1 of this report.
- All impacts to Open Coast Live Oak Woodland will require mitigation at a ratio of 3:1 (for every one acre impacted, three acres will need to be mitigated).
- All impacts to Granitic Southern Mixed Chaparral will require mitigation at a ratio of 0.5:1 (for every one acre impacted, one half acre will need to be mitigated).
- All impacts to Non-Native Grassland will require mitigation at a ratio of 0.5:1 (for every one acre impacted, one half acre will need to be mitigated).

7.1 Direct and Indirect Impacts (Temporary and Permanent) to Vegetative Communities / Wildlife Habitats / Biological Resources

Table 3 discusses proposed project related impacts to vegetation communities and County required mitigation ratios. Figure 3 depicts off-site road improvement project impacts. Figure 4 depicts on-site impacts to vegetation communities and Figures 5a and 5b identify County RPO wetlands and associated buffers and proposed "impact neutral" open space easements for preservation of habitats on-site that will not be counted toward mitigation but will contribute toward preservation of existing native habitat within the Fallbrook area. Mitigation measures have been determined by DPLU, USFWS, and CDFG as indicated in correspondence regarding this project (Appendix H).

As proposed, the project will directly impact a total of 3.61 acres of various habitats (this does not include orchard and disturbed habitat). Direct impacts include those created within the Project Footprint as well as the adjacent 100-foot-wide FM/LBZ. It should be noted that the Fuel Modification Zone has been merged with the Limited Building Zone due to the narrow configuration of the property and small amount of acreage available for project development. This 100-foot-wide FM/LBZ is located adjacent to proposed "impact neutral" Open Space as required by the County and serves as a buffer between the proposed "impact neutral" Open Space and the proposed development.

A total of 8.57 acres of "impact neutral" Open Space will be preserved on-site. This acreage includes all remaining (non-impacted) habitat, wetland buffers, orchard, and disturbed habitat. Permanent impacts to these vegetation communities and associated wildlife species are considered less-than-significant given the nature of the existing conditions on-site and the minimal amount of habitat affected. Mitigation for permanent impacts to habitat (excludes orchard and disturbed habitat) have been purchased off-site at the Daley Ranch Conservation Bank (Appendix I) and comprise 3.60 acres (0.54-acre of coast live oak woodland and 3.06 acres of chaparral/coastal sage scrub which also includes mitigation for impacts to non-native grassland).

Table 3. Acreage Summary and Proposed Project Impacts and Mitigation on the 19.73-Acre Mission Ridge Road Subdivision Development

Biological Resources	Acres On-Site	Acres Impacted On-Site ¹	Acres Impacted Off-Site	Mitigation Ratio	Mitigation Required (Acres)	Mitigated Off-Site (Acres)	"Impact Neutral" On-Site Open Space(Acres)
Open Coast Live Oak Woodland	0.82	0.18	N/A	3:1	0.54	0.54	0.64
Southern Coast Live Oak Riparian Forest	1.18	0.00	N/A	3:1	0.00	0.00	1.18
Disturbed Southern Willow Scrub	0.61	0.00	N/A	3:1	0.00	0.00	0.61
Diegan Coastal Sage Scrub	3.17	0.89	N/A	2:1	1.79	1.79	2.28
Granitic Southern Mixed Chaparral	1.13	0.42	N/A	0.5:1	0.21	0.21	0.71
Non-Native Grassland	3.91	2.12	N/A	0.5:1	1.06	1.06	1.79
Orchard	2.73	1.83	N/A	N/A	N/A	N/A	0.90
Disturbed Habitat	6.19	5.73	0.004	N/A	N/A	N/A	0.46
TOTALS	19.73	11.16	0.004	--	3.60	3.60	8.57

¹Includes Project Footprint and Fire Management/Limited Building Zone.

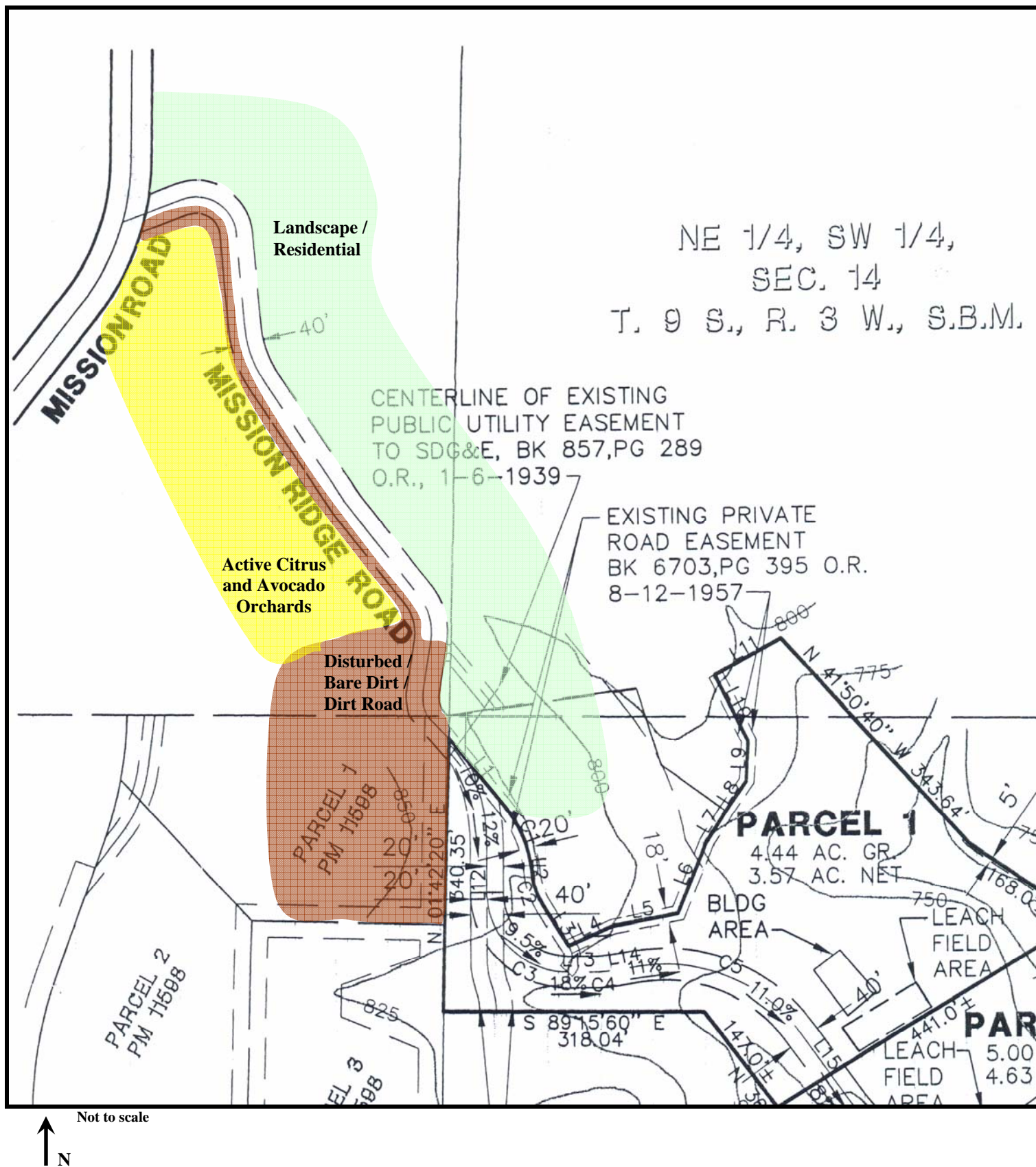
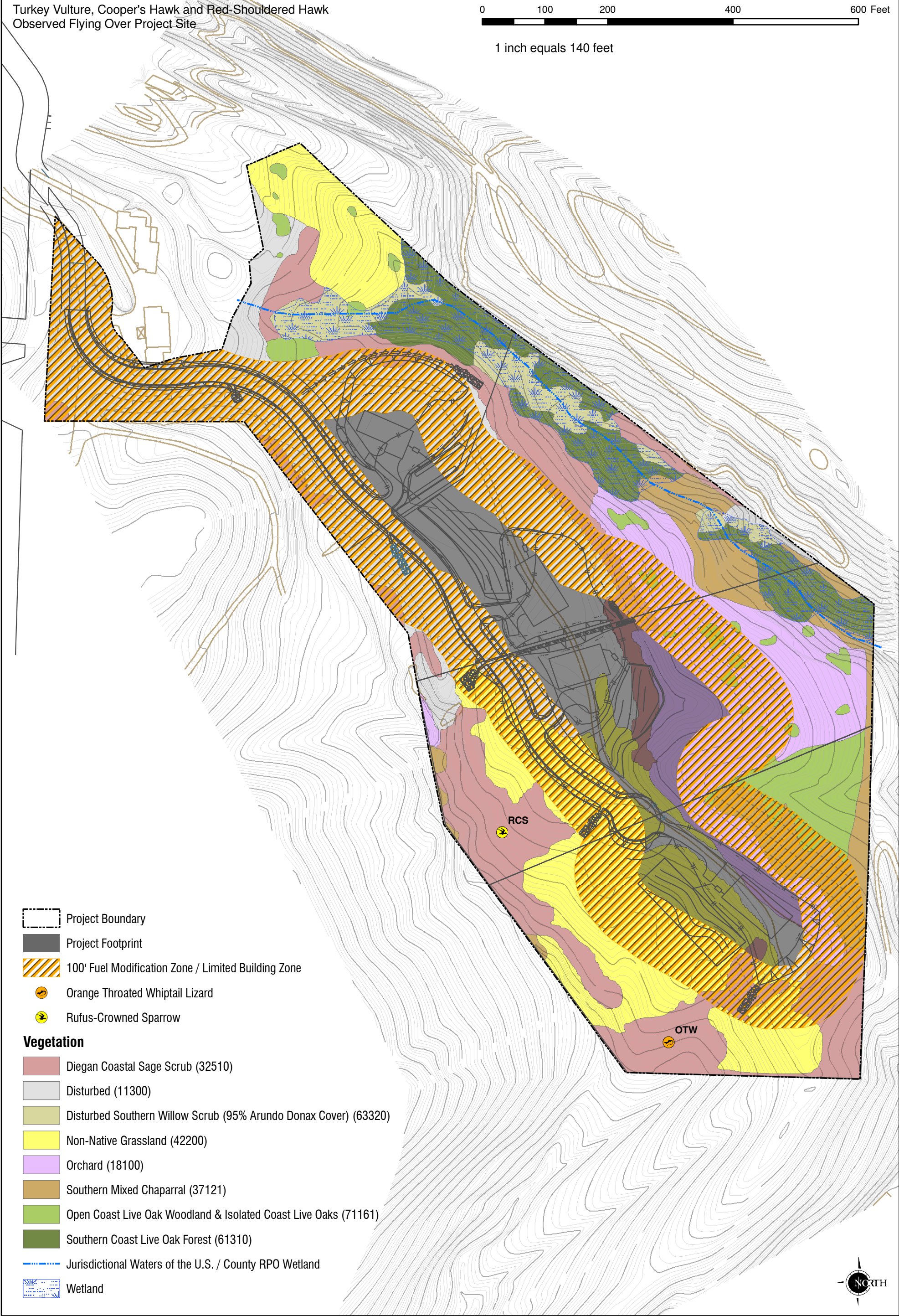
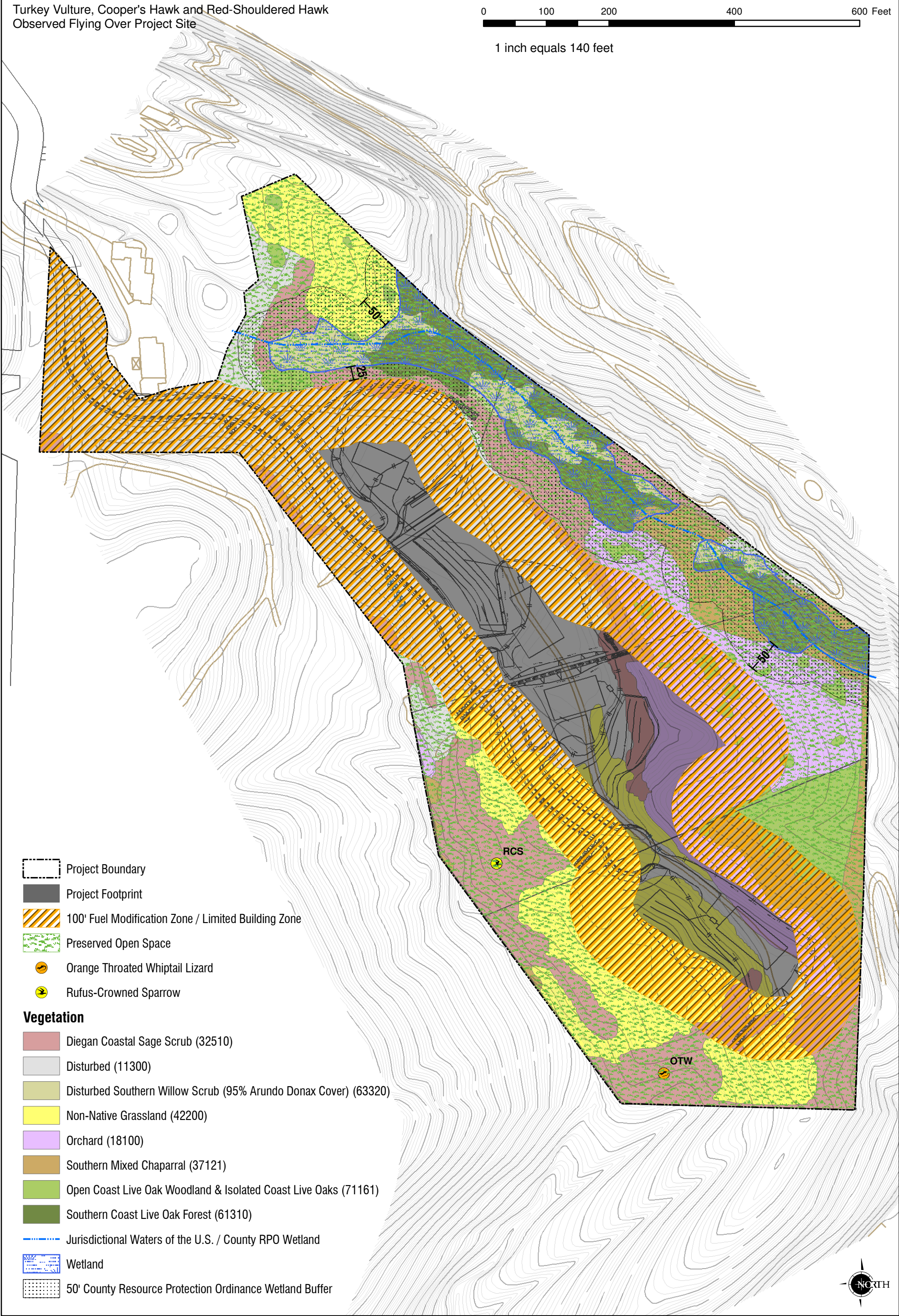
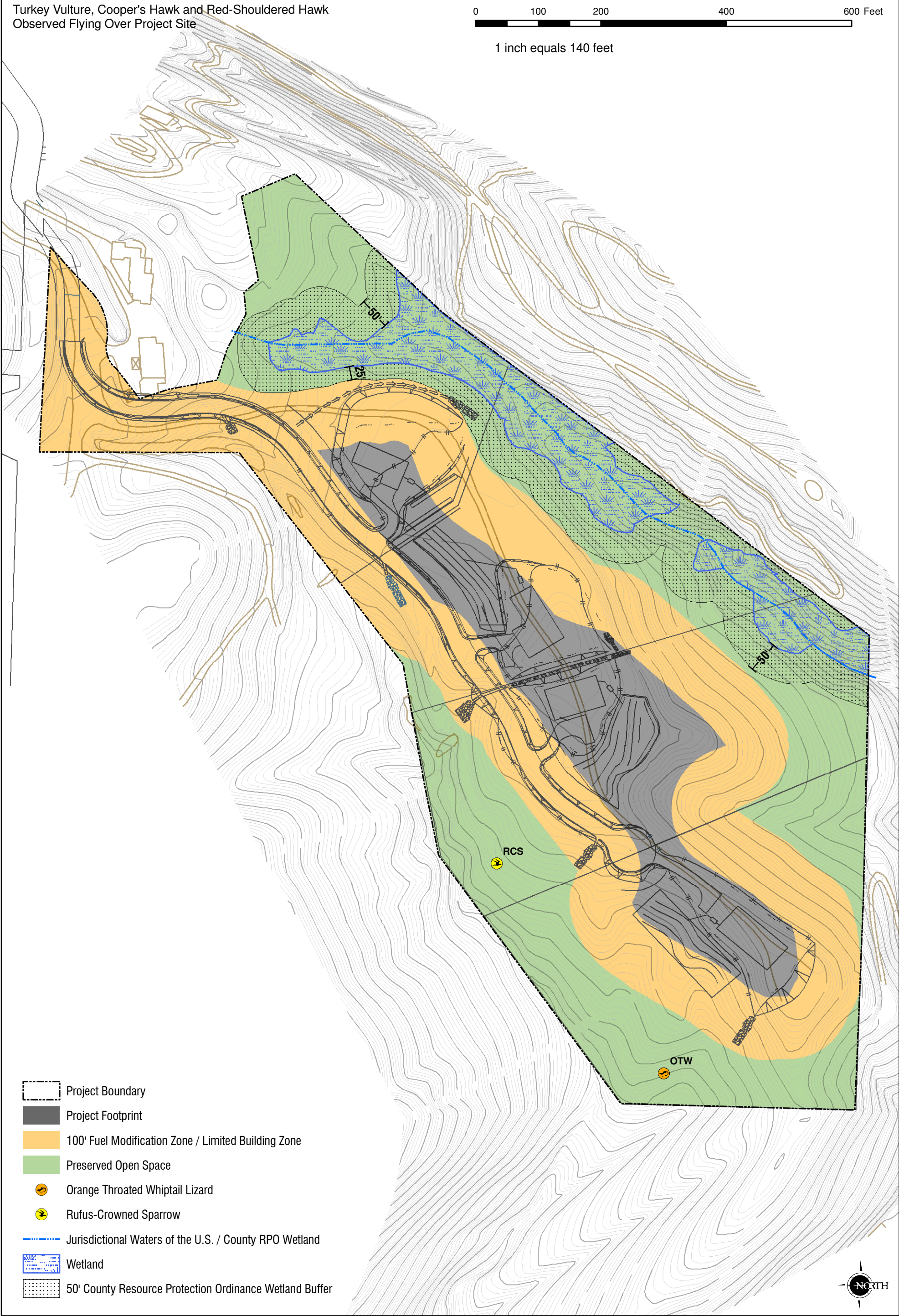


FIGURE 3.
19.73-ACRE MISSION RIDGE ROAD SUBDIVISION PROJECT
TMP 20793 / LOG NO. 03-02-068
OFF-SITE MISSION RIDGE ROAD VEGETATION MAP





Preserved Open Space
FIGURE 5a



Temporary direct impacts will occur from the associated residence and driveway construction and will include staging areas and equipment lay down, noise, and dust. Please note that all staging and equipment lay down areas will be located within the impact area. For this reason, no additional impacts to habitat areas will result from construction staging. Temporary impacts to vegetation communities and associated wildlife species are considered less-than-significant and will be included within the proposed mitigation. These impacts can be fully mitigated through on-site preservation of “impact neutral” Open Space.

Other anticipated impacts may potentially occur from the associated construction activities adjacent to sensitive habitat areas in the form of vegetation trampling by construction workers and construction vehicles outside the limits of grading, erosion into off-site areas, increased traffic, increased noise, and dust. These impacts would be short term but are considered potentially significant. In order to avoid indirect permanent and/or temporary impacts to habitat or wildlife during construction, the following resource protection measures shall be implemented by the developer to ensure that impacts to sensitive resources do not occur beyond those anticipated in this impacts analysis.

Construction Related Resource Protection Measures

- Prior to commencement of construction, the limits of work for each residential site shall be clearly delineated by a survey crew. The County will require temporary fencing in all locations of the project area where proposed grading or clearing is within 100-feet of an Open Space easement boundary.
- Activities, including staging areas, equipment access, and disposal of temporary placement of excess fill, shall be prohibited within drainages outside of the identified construction area.
- Erosion and siltation into off-site areas during construction will be minimized. The contractor shall prepare a Storm Water Management Plan for approval by the County. The contract supervisor shall be responsible for ensuring that the Plan is developed and implemented.
- Construction access shall utilize existing developed areas or be within the identified construction area. Contractors shall clearly mark all access routes (i.e., flagged and/or staked) prior to the onset of construction and as part of the overall marking of limits of construction for the entire project.
- No brushing, clearing and/or grading will be allowed within 300 feet of nesting habitat during the breeding season of the coastal California gnatcatcher, migratory birds and raptors. This is defined as occurring between February 1 and August 30. The Director of Planning and Land Use may waive this condition, through written concurrence from the U.S. Fish and Wildlife Service and the California Department of Fish and Game, that no nesting birds are present in the vicinity of the brushing, clearing or grading.
- To avoid sensitive habitats, construction staging areas, equipment refueling areas, and other areas for equipment and materials storage shall be located within the identified construction area. To avoid inadvertent impacts to sensitive biological resources that may be present, storage and access areas shall be displayed on the approved project plans and specifications.
- Nesting raptors and other birds that are protected by the Migratory Bird Treaty Act will require the performance of nest surveys prior to any grading that may occur near mature trees. The nest surveys shall address sensitive bird species that have the potential to exist in the project area. A qualified biologist shall conduct the surveys and prepare a survey report. If no nests are discovered in the trees to be removed, no further mitigation is required. If any active nests are

discovered, the biologist shall mark all occupied trees and delineate a 300-foot buffer area around each occupied tree. No construction activity shall occur within the 300-foot buffer until the young have fledged, as determined by a qualified biologist.

Five County sensitive animals were identified on-site during the biological resource surveys. These species included orange-throated whiptail, rufus-crowned sparrow, turkey vulture, Cooper's hawk, and red-shouldered hawk. Of these species, the orange-throated whiptail and the rufus-crowned sparrow were directly observed within the property near the southwest corner in Diegan coastal sage scrub. The remaining species were observed flying over the site. Impacts to the orange-throated whiptail and the rufus-crowned sparrow from the proposed development during and post construction are considered less-than-significant since these species will be protected within the dedicated "impact neutral" Open Space Easement and construction activities will be temporary in nature as well as minimal in the amount of noise and dust generated.

Anticipated post-construction impacts to these species are expected to be less-than-significant, but may include related human uses such as noise, light, increased human presence, domestic dog and cat presence, and increased vehicle traffic.

7.1.1 Sensitive Vegetation Communities – Diegan Coastal Sage Scrub

Since the property is located outside of the County's Multiple Species Conservation Plan area a Habitat Loss Permit (HLP) may need to be obtained pursuant to the listing of the coastal California gnatcatcher under the 4(d) ruling of the Endangered Species Act (Interim Habitat Loss Permit) and pursuant to the provisions of the County Habitat Loss Ordinance (October 22, 1997). As part of this process, the County of San Diego is required to make findings in support of the issuance of the HLP pursuant to Section 86.104 of the County of San Diego Ordinance No. 8365 (N.S.) and Section 4.2.g of the Coastal Sage Scrub Natural Communities Conservation Plan Process Guidelines (NCCP) (CDFG 1993). Mitigation ratios based on the Coastal Sage Scrub Evaluation Logic Flow Chart are discussed in Section 7.3 of this report. The DPLU requested that a *de minimus* exemption to the HLP be considered by USFWS and CDFG (Appendix H) based on the following facts:

- 1) The project proposes removal of less than one acre of coastal sage scrub habitat;
- 2) The site is not occupied by coastal California gnatcatcher;
- 3) The project occurs in low to medium value habitat according to the NCCP Habitat Evaluation Model/Evaluation Logic Flow Chart (Figure 6);
- 4) The habitat loss will not preclude the design or prevent the preparation of the subregional NCCP reserve system and the purchase of off-site habitat will further contribute to the preservation of high biological value areas within the subregional NCCP reserve system; and
- 5) The habitat loss is counted towards the five percent allowance of loss for the County of San Diego.

The USFWS and CDFG collectively responded to this request (Appendix H) and agreed with DPLU that a *de minimus* exemption is appropriate for the proposed project. In addition, the County will require dedicated Biological Open Space Easements over all RPO wetlands and wetland buffers. These easements will prohibit any future uses except for biological open space. The owner(s) will be responsible for stewardship of the Open Space, which will be enforced through the County Codes

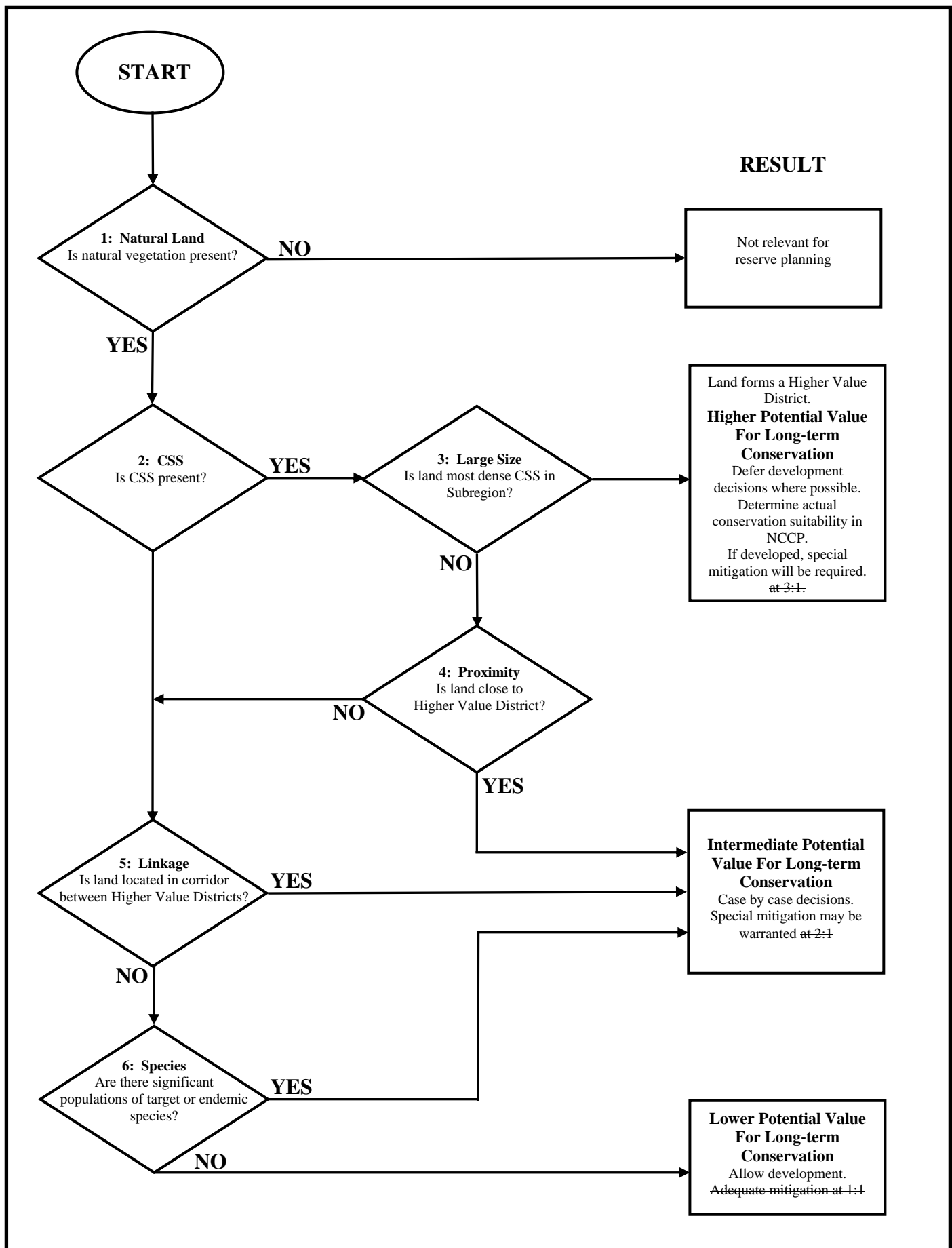


FIGURE 6
EVALUATION LOGIC FLOW CHART

Enforcement. In addition, 100-foot FM/LBZ Easements adjacent to the Open Spaces will require maintenance of fencing and signage. Conditions of the Tentative Parcel Map will include: Permanent fencing and signage required along the border of the on-site “impact neutral” preserve areas, at the interface between the preserve and future development. The applicant will be required to construct temporary fencing at the Open Space boundary prior to obtaining any building or grading permit(s).

7.1.1.1 Coastal Sage Scrub Evaluation Logic Flow Chart Process and Analysis

The CSS evaluation process is a step-down approach, which includes the utilization of an Evaluation Logic Flow Chart (Figure 6) that guides the user to the correct determination of CSS quality as it relates to a subregional area of land. For instance, large, dense areas of CSS are the higher potential value lands. Natural lands that occur in linkages, that are close to possible core CSS areas, or that have high species richness are considered Intermediate potential value lands. Remaining CSS is considered to have Lower potential value lands. The following evaluation process pertains to the proposed development impact footprint within the 19.73 gross acre property:

1. **Natural Land:** Is natural vegetation present?

Yes

2. **CSS:** Is CSS present?

Yes – 3.17-acres of Coastal Sage Scrub

3. **Large Size:** Is CSS the most dense CSS in subregion?

No

4. **Proximity:** Is land close to Higher Value District?

Yes – The site is located northwest of a satellite area identified in Attachment B of the NCCP Process Guidelines.

5. **Landscape Linkages:** Is land located in a corridor between Higher Value districts?

No

6. **Species Presence:** Does land support high density of target species? Does land support significant populations of highly endemic species or rare sub-habitat types?

No – Land does not support any target species, highly endemic species, or rare sub-habitat types within the proposed development footprint or proposed Open Space easements.

Based on the predominance of NO answers, the utilization of the flow chart, and concurrence by both CDFG and USFWS, the land is of Intermediate Potential Value based on a subregional scale. In addition, the project is located outside of the proposed Pre-Approved Mitigation Area as defined by the Draft North County Multiple Species Conservation Plan and is rated as “moderate” regarding habitat quality. A mitigation ratio of 2:1 will be required by the USFWS, CDFG, and County for impacts related to the proposed project.

7.1.2 Wetlands and Waters

No permanent direct impacts to wetlands or waters will occur as a result of the proposed project. However, an increase in storm water runoff may occur to the eastern drainage from the driveways and pad sites in Lots 1 and 2, but will be dissipated by rock rip-rap bio-filters that will slow these velocities as well as catch any debris that may flow toward this drainage. Impacts to these drainages from storm water runoff will be temporary and less-than-significant in nature and will be minimized through the use of the proposed bio-filters, therefore no mitigation is proposed.

8.0 CUMULATIVE IMPACTS

As defined in the California Environmental Quality Act (CEQA): "Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." An example of a cumulative impact would be the incremental loss of a small amount of a sensitive habitat as a result of several adjacent or local projects occurring within the same time period. The individual loss of small amounts of sensitive habitats may be considered adverse, but not significant; however, the cumulative loss among all of the projects would be considered a cumulatively significant impact.

Cumulative impacts to the overall community in regards to habitat loss and listed and sensitive species impacts as well as expected traffic, noise, lighting, air pollution, urban storm water runoff and pollution, and other contributory factors may be significant.

Cumulative impacts to the overall community in regards to habitat loss will be less than significant; however, it is unknown at this time as to the nature or extent of other similar projects within the area.

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10.0 CERTIFICATION

Certification: I hereby certify that the statements furnished above and in the attached exhibits/appendices present the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date: April 20, 2006

Signed: 
Robert M. Faught

APPENDIX A

Site Photographs



Photo 1.
19.73-Acre Mission Ridge Road Property
Northern View of Fallow Orchard Near East Boundary



Photo 2.
19.73-Acre Mission Ridge Road Property
Western View of Property Near East Boundary



Photo 3.
19.73-Acre Mission Ridge Road Property
Western View Near Southwestern Boundary On and Off Site



Photo 4.
19.73-Acre Mission Ridge Road Property
Southern View of Property Near East Boundary of Southern Coast Live Oak Riparian Woodland



Photo 5.
Eastern View of Intersection at Mission Road and Mission Ridge Road
19.73-Acre Mission Ridge Road Property Off-Site Road Improvements



Photo 6.
Eastern View of First Curve on Mission Ridge Road
19.73-Acre Mission Ridge Road Property Off-Site Road Improvements



Photo 7.
Southern View of Mission Ridge Road Where Pavement Ends and Dirt Begins
19.73-Acre Mission Ridge Road Property Off-Site Road Improvements



Photo 8.
Southern View of Mission Ridge Road – Cut Slope Near Property Entrance
19.73-Acre Mission Ridge Road Property Off-Site Road Improvements



Photo 9.
Eastern View of Mission Ridge Road to Property Entrance
19.73-Acre Mission Ridge Road Property Off-Site Road Improvements

APPENDIX B
Coastal California Gnatcatcher Survey
Results Report



Ms. Debbie Kinsinger
2846 Unicornio Street
Carlsbad, California 92009
877-593-6275

21 April 2004

Dear Ms. Kinsinger:

**Results of the Focused Coastal California Gnatcatcher Surveys
Conducted within the 20-Acre Mission Ridge Road Property (TPM 20793), Fallbrook, California**

INTRODUCTION

Upon your request, focused breeding season coastal California gnatcatcher (*Poliophtila californica californica*) (CAGN) surveys were conducted within your client's 20-acre Mission Ridge Road property. The purpose of this survey was to conduct an U. S. Fish and Wildlife Service protocol CAGN survey in order to determine presence or absence of this Federally threatened species.

STUDY AREA LOCATION AND CURRENT AND HISTORICAL LAND USES

The Mission Ridge Road property is located within the County of San Diego, approximately 1/2-mile east of Interstate 15, Old Highway 395, and Mission Road; approximately 3-miles south of the community of Rainbow; and approximately 8.5-miles north of the San Luis Rey River (Figure 1). The project site is surrounded by active avocado and citrus orchards, and single family residences. Historic uses have included the production of agricultural crops such as avocados and citrus. Current land uses are minimal and all orchards are fallow.

The study area is dominated by agricultural land. Four vegetation communities are located on site: Diegan coastal sage scrub (DCSS); southern coast live oak riparian woodland with a chaparral understory (within a 2nd order unnamed tributary to the San Luis Rey River); non-native grassland; and abandoned agricultural orchards (Appendix A – Photographs). The DCSS is found on side slopes and within and adjacent to drainages.

SURVEY METHODS AND LIMITATIONS

In accordance with the U.S. Fish and Wildlife Service's current mandatory breeding season survey protocols for the coastal California gnatcatcher, all appropriate sage scrub habitats located within the study site were surveyed during three visits. Each of the three focused surveys was conducted at an interval of no less than seven calendar days. All accessible portions of the study area were walked. This focused CAGN survey was conducted by Robert M. Faught and Julie B. Alpert, experienced, trained, and qualified/permitted (TE-788595-3) biologists. Mr. Faught and Ms. Alpert supervised Ms. Deb Kinsinger during each of the three surveys.

The focused breeding season protocol surveys were conducted during morning hours (between 0745 and 1130 hours) under clear to morning overcast skies (0 -100%-cloud cover), with air temperatures between 58° and 72° Fahrenheit, and wind velocities between 0- and 4-miles per hour (Table 1). The location of the survey route is depicted in Figure 2.

Table 1. Focused Coastal California Gnatcatcher Survey Dates, Times, and Climatic Conditions

<u>Surveyors</u>	<u>Survey Date</u>	<u>Times</u>	<u>Skies</u>		<u>Temperature</u>		<u>Winds</u>
			<u>Start</u>	<u>End</u>	<u>Start</u>	<u>End</u>	
R. Faught/ J. Alpert/ D. Kinsinger	31 March 2004	0930 – 1130	100%-cc	100%-cc	62°F to 72°F		0-2 mph NW
R. Faught/ D. Kinsinger	07 April 2004	0745 to 0930	0%-cc	0%-cc	60°F to 62°F		0-2 mph NW
R. Faught/ D. Kinsinger	14 April 2004	0800 to 1000	100%-cc	100%-cc	58°F to 64°F		2-4 mph NW

The scientific nomenclature used in this report is from the following standard references: vegetation communities (Holland, 1986) and birds (American Ornithologists' Union, 2000).

SURVEY RESULTS

No CAGNs were detected on or adjacent to the 20-acre Mission Ridge Road property during the focused breeding season protocol surveys. Suitable habitat occurs on the study site, but is currently unoccupied by CAGNs.

Despite the relative close proximity of rural residences, no domestic pets were observed on site during these surveys. One brown-headed cowbird was detected during the surveys as well as numerous western scrub jays and common ravens. It is the opinion of Ecological Ventures California, Inc. that CAGNs were not detected on site because of the isolated nature of suitable habitat. A total of 34 avian species were detected during the surveys (Appendix B).

If you have any questions in regard to the results of this focused survey please do not hesitate to call Julie Alpert or myself at your convenience.

Sincerely,
Ecological Ventures California, Inc.

Robert M. Faught
CEO / Senior Wildlife Ecologist

APPENDIX B
Detected Avian Species at the 20-Acre Mission Ridge Road Property

CATHARTIDAE

Turkey Vulture (*Cathartes aura*)

ACCIPTRIDAE

Cooper's Hawk (*Accipiter cooperii*)

Red Shouldered Hawk (*Buteo lineatus*)

Red-tail Hawk (*Buteo jamaicensis*)

ODONTOPHORIDAE

California Quail (*Callipepla californica*)

COLUMBIDAE

Mourning Dove (*Zenaida macroura*)

TROCHILIDAE

Anna's Hummingbird (*Calypte anna*)

Costa's Hummingbird (*Calypte costae*)

PICIDAE

Northern Flicker (*Colaptes auratus*)

Nuttall's Woodpecker (*Picoides nuttallii*)

TYRANNIDAE

Black Phoebe (*Sayornis nigricans*)

Say's Phoebe (*Sayornis saya*)

Ash-throated Flycatcher (*Myiarchus cinerascens*)

Western Kingbird (*Tyrannus verticalis*)

CORVIDAE

Western Scrub Jay (*Aphelcoma californica*)

Common Raven (*Corvus corax*)

HIRUNDINIDAE

Northern Rough-winged Swallow (*Stelgidopteryx serripennis*)

APPENDIX B
Detected Avian Species at the 20-Acre Mission Ridge Road Property

PARIDAE

Oak Titmouse (*Baeolophus inornatus*)

TROGLODYTIDAE

House Wren (*Troglodytes aedon*)

Bewick's Wren (*Thromanes bewickii*)

MIMIDAE

California Thrasher (*Toxostoma redivivum*)

PARULIDAE

Orange-crowned Warbler (*Vermivora celata*)

Yellow-rumped Warbler (*Dendroica coronata*)

Wilson's Warbler (*Wilsonia pusilla*)

Common Yellowthroat (*Geothlypis trichas*)

EMBERIZIDAE

California Towhee (*Pipilo crassilis*)

Spotted Towhee (*Pipilo maculatus*)

Rufous-crowned Sparrow (*Aimophila ruficeps*)

Lark Sparrow (*Chondestes grammacus*)

Song Sparrow (*Melospiza melodia*)

ICTERIDAE

Brown-headed Cowbird (*Molothrus ater*)

FRINGILIDAE

House Finch (*Carpodacus mexicanus*)

Lesser Goldfinch (*Carduelis psaltria*)

PASSERIDAE

House Sparrow (*Passer domesticus*)

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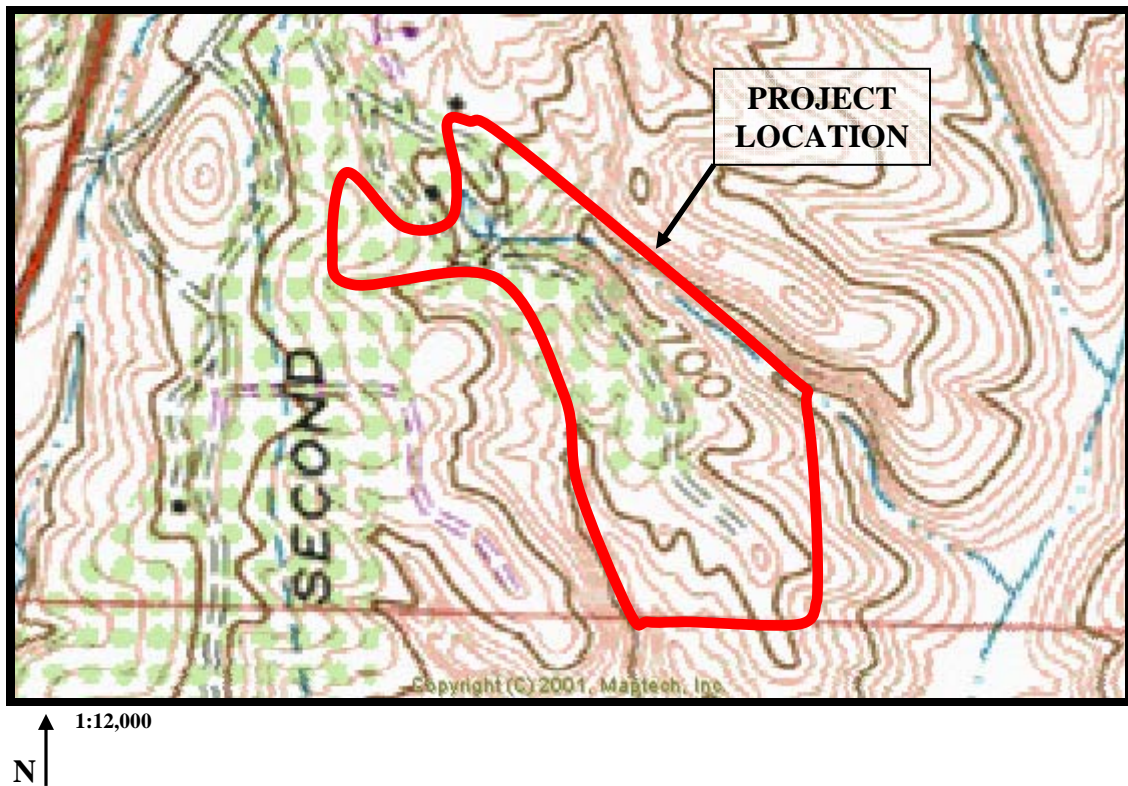
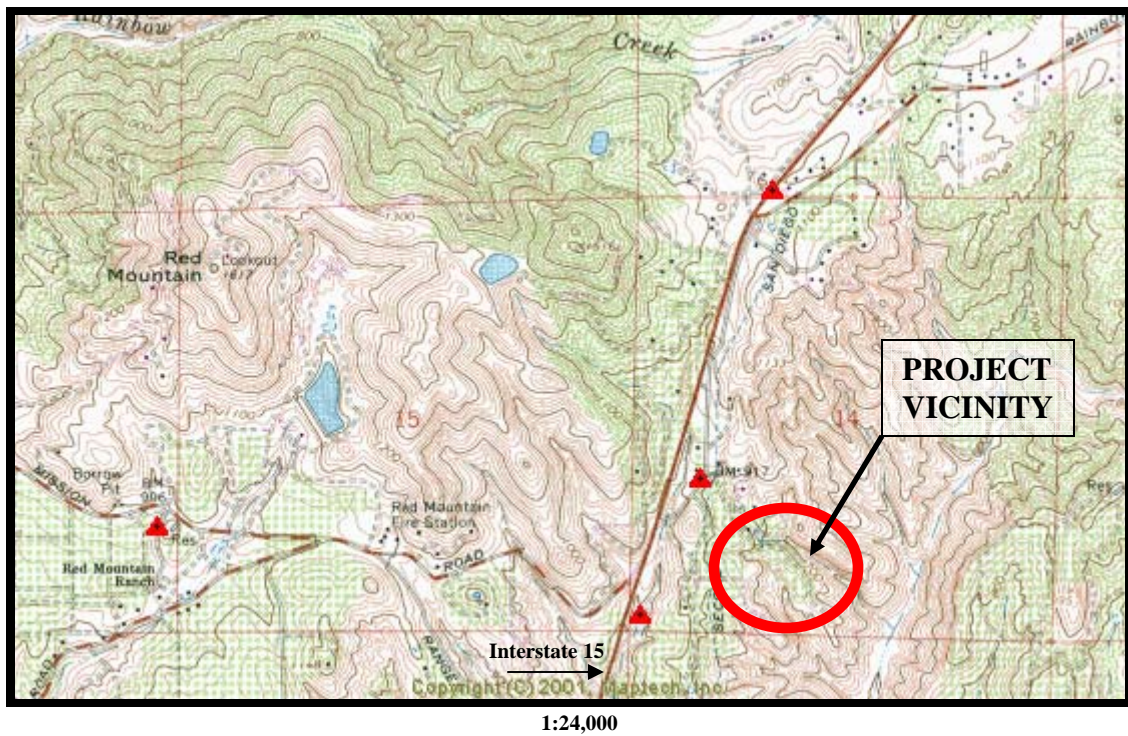


FIGURE 1.
PROJECT VICINITY AND PROJECT LOCATION
19.73-ACRE MISSION RIDGE ROAD PROPERTY

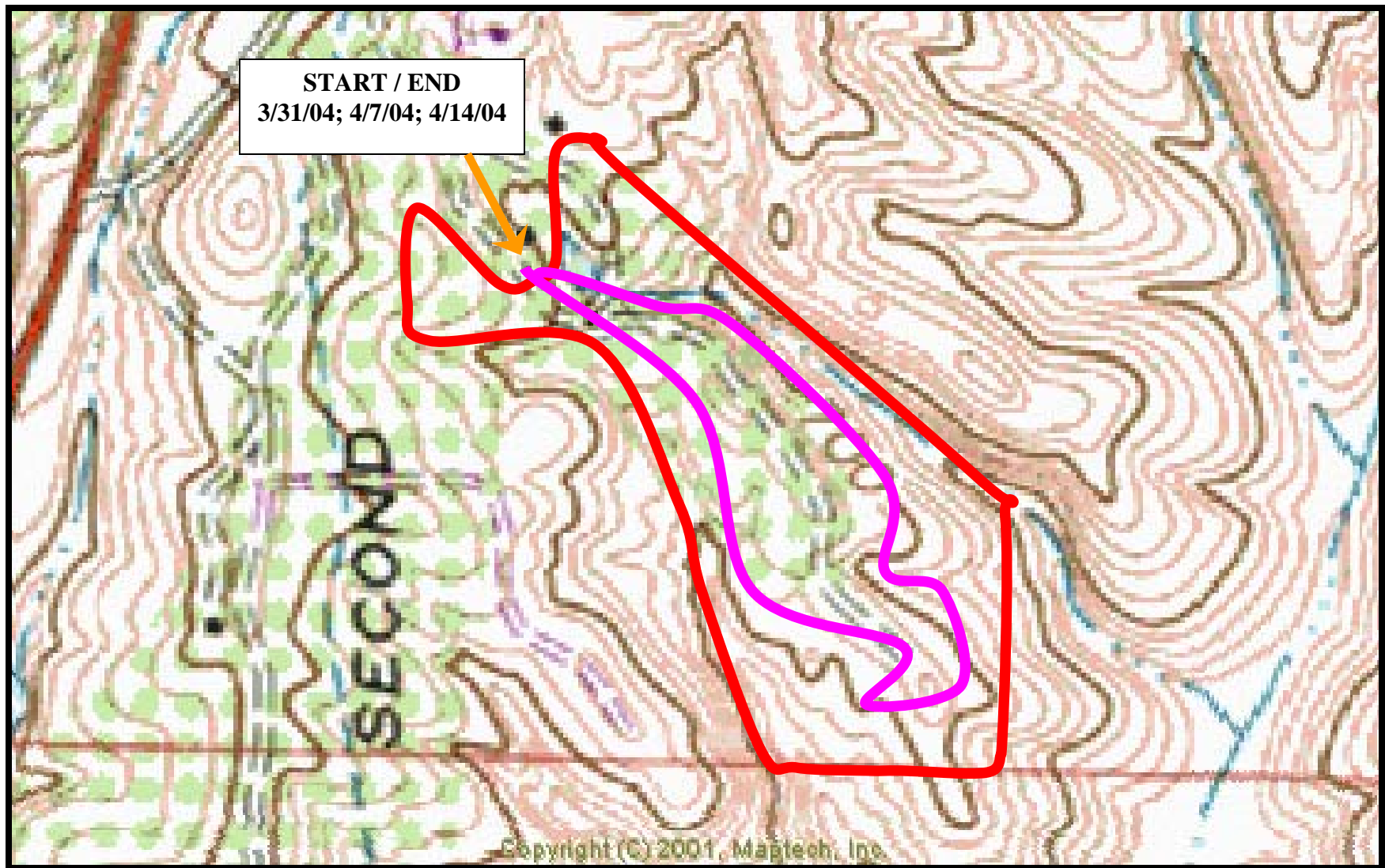


FIGURE 2.
COASTAL CALIFORNIA GNATCATCHER SURVEY ROUTE
20-ACRE MISSION RIDGE ROAD PROPERTY



Photo 1.
19.73-Acre Mission Ridge Road Property Coastal California Gnatcatcher Survey
Northern View of Fallow Orchard Near East Boundary



Coastal Sage Scrub

Photo 2.
19.73-Acre Mission Ridge Road Property Coastal California Gnatcatcher Survey
Northeastern View of Coastal Sage Scrub Near East Boundary



Photo 3.
19.73-Acre Mission Ridge Road Property Coastal California Gnatcatcher Survey
Western View of Property Near East Boundary

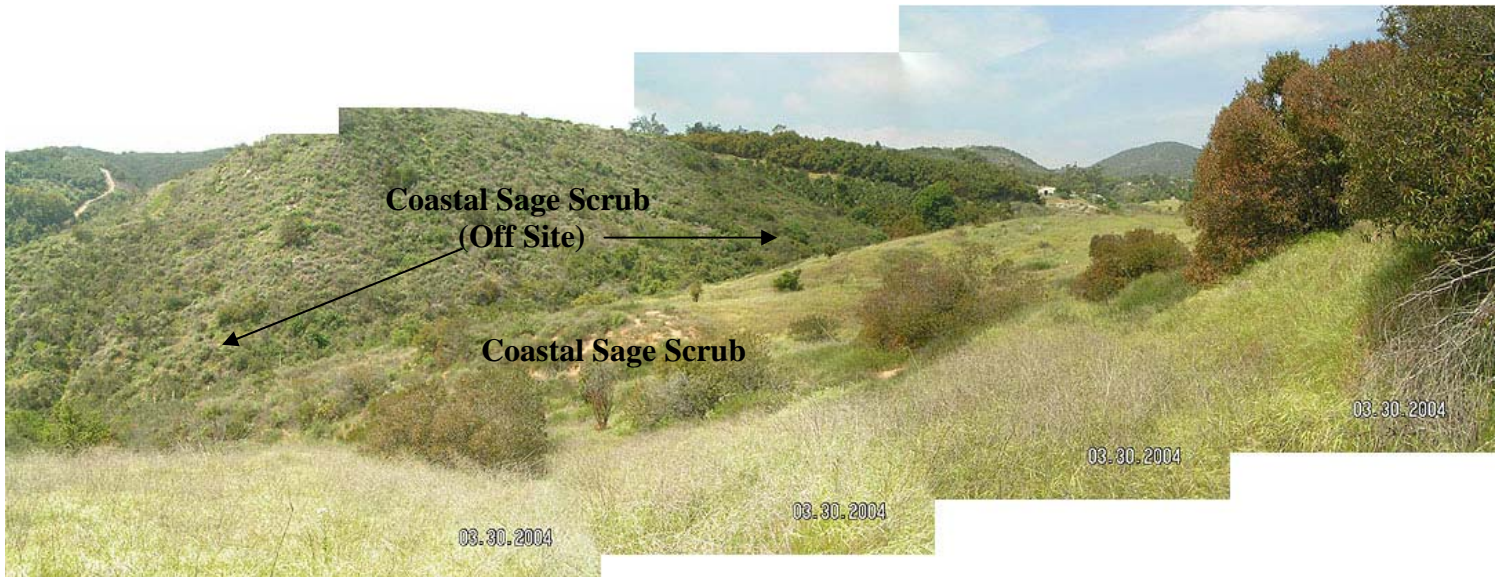


Photo 4.
19.73-Acre Mission Ridge Road Property Coastal California Gnatcatcher Survey
Western View Near Southwestern Boundary of Coastal Sage Scrub On and Off Site



Photo 5.

19.73-Acre Mission Ridge Road Property Coastal California Gnatcatcher Survey
Northern View of Property Near East Boundary of Southern Coast Live Oak Riparian
Woodland and Coastal Sage Scrub (foreground)



Photo 6.

19.73-Acre Mission Ridge Road Property Coastal California Gnatcatcher Survey
Southern View of Property Near East Boundary of Southern Coast Live Oak Riparian
Woodland and Coastal Sage Scrub (back left)

APPENDIX C
Stephens' Kangaroo Rat
Habitat Assessment



Ms. Debbie Kinsinger
2846 Unicornio Street
Carlsbad, California 92009
877-593-6275

21 April 2004

Dear Ms. Kinsinger:

**Results of the Stephens' Kangaroo Rat Habitat Assessment within the
20-Acre Mission Ridge Road Property (TPM 20793), Fallbrook, California**

INTRODUCTION

Upon your request, Mr. Robert M. Faught, Senior Wildlife Ecologist, of Ecological Ventures California, Inc., conducted a Stephens' Kangaroo Rat (*Dipodomys stephensi*) (SKR) habitat assessment on your client's 20-acre Mission Ridge Road property located in Fallbrook, County of San Diego, California.

SURVEY RESULTS

Appropriate SKR habitat within the 20-acre Mission Ridge Road property was surveyed for above-ground diagnostic SKR sign. The above-ground survey for SKR sign included direct observations for kangaroo rat burrows, tracks (tail-drag, footprints), dust bathing areas, and characteristic scat. No SKR or other kangaroo rat sign was detected within the 20-acre Mission Ridge Road property. In addition, the site has been utilized in the recent past for agriculture, including avocado and citrus orchards. A portion of the site was graded in the past to create a level site. Current sign of small mammal use within the property boundaries include evidence of Botta's pocket gopher (*Thomomys bottae*) and California ground squirrel (*Citellus beecheyi*).

It is our professional opinion that the 20-acre Mission Ridge Road property does not contain the habitat conditions necessary to support SKR.

If you have any questions regarding the contents and/or findings of this report please do not hesitate to contact Julie B. Alpert or myself at 928-692-6511.

Sincerely,

Robert M. Faught
CEO / Senior Wildlife Ecologist

APPENDIX D
Botanical Species List

LIST OF BOTANTICAL SPECIES

19.73-ACRE MISSION RIDGE ROAD SUBDIVISION PROJECT

Open Coast Live Oak Woodland

Coast Live Oak (*Quercus agrifolia*)
Common Rip-Gut Grass (*Bromus diandrus*)
Slender Wild Oats (*Avena Fatua*)
Horehound (*Marrubium vulgare*)

Southern Coast Live Oak Riparian Forest

Coast Live Oak
Western Sycamore (*Platanus racemosa*)
Arroyo Willow (*Salix lasiolepus*)
Black Willow (*Salix gooddingii*)
Mulefat (*Baccharis salicifolia*)
Toyon (*Heteromeles arbutifolia*)
Mexican Elderberry (*Sambucus mexicana*)
Giant Reed (*Arundo donax*)
Wild Grape (*Vitis girdiana*)
Poison Oak (*Toxicodendron diversilobum*)
Castor Bean (*Ricinus communis*)
Douglas Mugwort (*Artemisia douglasiana*)
San Diego Honeysuckle (*Lonicera subspicata* var. *denudata*)
Small-Leaf Virgin's Bower (*Clematis pauciflora*)
Monkey Flower (*Mimulus auranticus*)
Stinging Nettle (*Urtica dioica*)
Tree Tobacco (*Nicotiana glauca*)
Oak Mistletoe (*Phoradendron villosum*)

Southern Willow Scrub

Giant Reed (*Arundo donax*)
Arroyo Willow (*Salix lasiolepus*)
Mulefat (*Baccharis salicifolia*)

Diegan Coastal Sage Scrub

California Sagebrush (*Artemisia californica*)
Black Sage (*Salvia mellifera*)
Laurel Sumac (*Malosma laurina*)
Deer Weed (*Lotus scoparius*)
Daisy (*Erigeron foliosus* var. *stenophyllus*)

Diegan Coastal Sage Scrub (continued)

Long-Stem Golden-Yarrow (*Eriophyllum confertiflorum*)
Rush-Rose (*Helianthemum scoparium* var. *aldersonii*)
Common Rip-Gut Grass (*Bromus diandrus*)
Red Brome (*Bromus rubens*)
Pearly Everlasting (*Gnaphalium* sp.)
Chalk Liveforever (*Dudleya pulverulenta*)
Mountain-Mahogany (*Cercocarpus minutiflorus*)
Chamise (*Adenostoma fasciculatum*)

Granitic Southern Mixed Chaparral

Chamise
Black Sage
Mountain Mahogany
Laurel Sumac
San Diego Honeysuckle
Toyon
Poison oak
Wild cucumber (*Marah macrocarpa*)
Flat-Top Buckwheat
California Sagebrush
Coyote Brush (*Baccharis pilularis*)
White Sage (*Salvia apiana*)
Our Lord's Candle (*Yucca whipplei*)
Monkey Flower
Small-Leaf Virgin's Bower
Phacelia (*Phacelia suffrutescens*)
Field mustard (*Hirschfeldia incana*)
Red Brome (*Bromus madritensis*)
Slender wild oats (*Avena barbata*)
Yellow Star-Thistle (*Centaurea melitensis*)
Sawtooth Goldenbush (*Hazardia squarrosus*)

Non-Native Grassland

Common Rip-Gut Grass
Red-Stemmed Filaree (*Erodium cicutarium*)
Slender Wild Oats
Field Mustard
Foxtail Fescue (*Vulpia myuros*)
Russian Thistle (*Salsola australis*)
Red Brome
Tree Tobacco
Yellow Star-Thistle
Deer Weed
Daisy
Telegraph Weed (*Heterotheca grandiflora*)

Orchard

Avocado Trees
Persimmon Trees
Common Rip-Gut Grass
Field Mustard
Slender Wild Oats
Bermuda Grass (*Cynodon dactylon*)
Laurel Sumac
Coast Live Oak Trees
Telegraph Weed
Red Brome
Sugar Bush (*Rhus ovata*)
Mountain Mahogany
White Sage
Western Ragweed (*Ambrosia psilostachya*)
Russian Thistle

Disturbed Habitat

Deer Weed
Telegraph Weed
Red-Stem Filaree
Red Brome
Dodder (*Cuscuta californica*)
Field Mustard
Slender Wild Oats
Yellow Star-Thistle
Foxtail Fescue
Castor Bean (*Ricinus communis*)
Flat-Top Buckwheat
Tree Tobacco
Daisy
Sweet Fennel (*Foeniculum vulgare*)
Giant Reed
Windmill Pink (*Silene gallica*)
Conchalagua (*Centaureum venustum*)
Fountain Grass (*Pennisetum setaceum*)
Sawtooth Goldenbush

APPENDIX E
Zoological Species List

LIST OF ZOOLOGICAL SPECIES

19.73-ACRE MISSION RIDGE ROAD SUBDIVISION PROJECT

Reptiles and Amphibians

Side-blotched lizard (*Uta stansburiana*)

Western fence lizard (*Sceloporus occidentalis*)

Orange-Throated Whiptail (*Cnemidophorus hyperythrus*) – CDFG Species of
Special Concern and County Sensitive

Western Whiptail (*Cnemidophorus tigris*)

Mammals

Coyote (*Canis latrans*)

California ground squirrel (*Spermophilus beecheyi*)

Dusky-footed woodrat (*Neotoma fuscipes*)

Bottas's pocket gopher (*Thomomys bottae*)

Desert cottontail (*Sylvilagus auduboni*)

Striped Skunk (*Mephitis mephitis*)

Birds

Turkey Vulture (*Cathartes aura*) – County Sensitive

Cooper's Hawk (*Accipiter cooperii*) – CDFG Species of Special Concern and
County Sensitive

Red Shouldered Hawk (*Buteo lineatus*) – County Sensitive

Red-tail Hawk (*Buteo jamaicensis*)

California Quail (*Callipepla californica*)

Mourning Dove (*Zenaida macroura*)

Anna's Hummingbird (*Calypte anna*)

Costa's Hummingbird (*Calypte costae*)

Northern Flicker (*Colaptes auratus*)

Nuttall's Woodpecker (*Picoides nuttallii*)

Black Phoebe (*Sayornis nigricans*)

Say's Phoebe (*Sayornis saya*)

Ash-throated Flycatcher (*Myiarchus cinerascens*)

Western Kingbird (*Tyrannus verticalis*)

Western Scrub Jay (*Aphelcoma californica*)

Common Raven (*Corvus corax*)

Northern Rough-winged Swallow (*Stelgidopteryx serripennis*)

Oak Titmouse (*Baeolophus inornatus*)

House Wren (*Troglodytes aedon*)

Bewick's Wren (*Thromanes bewickii*)

California Thrasher (*Toxostoma redivivum*)

Orange-crowned Warbler (*Vermivora celata*)

Birds (continued)

Yellow-rumped Warbler (*Dendroica coronata*)

Wilson's Warbler (*Wilsonia pusilla*)

Common Yellowthroat (*Geothlypis trichas*)

California Towhee (*Pipilo crassilis*)

Spotted Towhee (*Pipilo maculatus*)

Rufus-crowned sparrow (*Aimophila ruficeps*) – CDFG Species of Special
Concern and County Sensitive

Lark Sparrow (*Chondestes grammacus*)

Song Sparrow (*Melospiza melodia*)

Brown-headed Cowbird (*Molothrus ater*)

House Finch (*Carpodacus mexicanus*)

Lesser Goldfinch (*Carduelis psaltria*)

House Sparrow (*Passer domesticus*)

APPENDIX F
Potentially Occurring Botanical And Zoological Species

Table 1. Potential for Occurrence of Sensitive Botanical Species Within the 19.73-Acre Mission Ridge Road Subdivision Development

SPECIES	SENSITIVITY STATUS	PREFERRED HABITAT	OBSERVED ON SITE	POTENTIAL FOR OCCURRENCE
Rainbow Manzanita <i>Arctostaphylos rainbowensis</i>	CNPS – List 1B County Sensitive	Chaparral between 225 and 640 meters. Shrub blooms January – February.	NO	Low to Moderate – seeds may be present within chaparral on-site or may be carried in by animals.
Prostrate Spineflower <i>Chorizanthe procumbens</i>	CNPS – Considered But Rejected - Too Common County Sensitive	Chaparral, sage scrub, pinyon-juniper woodland – gabbroic clay and granitic soils. Annual Herb blooms April – June.	NO	Low – may occur within sage scrub habitat – was not observed during springtime surveys.
Palmer’s Grappling Hook <i>Harpagonella palmeri</i>	CNPS List 4 County Sensitive	Chaparral, coastal scrub, valley and foothill grassland on clay soils and burns below 1000 feet. Annual Herb blooms March – May.	NO	None – due to lack of appropriate gabbro clay soils to support this species.
Chaparral Beargrass <i>Nolina cismontane</i>	CNPS List 1B County Sensitive	Chaparral, coastal scrub / sandstone or gabbro between 140 and 1275 meters. Shrub blooms May – July.	NO	None – due to lack of appropriate gabbro clay soils to support this species.
California Adder’s-Tongue Fern <i>Ophioglossum californicum</i>	CNPS List 4 County Sensitive	Chaparral, valley and foothill grassland, vernal pools (margins) / mesic between 60 and 300 meters. Perennial herb fertile December – May.	NO	None – due to lack of appropriate gabbro clay soils and vernal/mesic conditions that are needed to support this species.
Cooper’s Rein Orchid <i>Piperia cooperi</i>	CNPS List 4 County Sensitive	Chaparral, cismontane woodland, valley and foothill grassland. Perennial Herb blooms March – June	NO	Low – may occur within mature mesic chaparral near western boundary and adjacent to the site.
Narrow-Petaled Rein Orchid <i>Piperia leptopetala</i>	CNPS List 4 County Sensitive	Cismontane woodland, lower montane coniferous forest, upper montane coniferous forest between 380 and 2225 meters. Perennial herb blooms May – July.	NO	Low – may occur within mature mesic riparian woodland near the eastern boundary and adjacent to the site.

Table 2. Potential for Occurrence of Sensitive Zoological Species Within the 19.73-Acre Mission Ridge Road Subdivision Development

SPECIES	SENSITIVITY STATUS	PREFERRED HABITAT	OBSERVED ON SITE	POTENTIAL FOR OCCURRENCE
Arroyo Southwestern Toad <i>Bufo microscaphus californicus</i>	Federal Endangered	Riverine and Creek Drainages and associated shrub-covered or woodland uplands	NO	None – due to lack of appropriate streambed / breeding habitat.
Silvery Legless Lizard <i>Anniella pulchra pulchra</i>	County Sensitive	All Habitat Types	NO	Moderate to High – due to appropriate leaf litter within the oak and riparian habitats on-site.
Orange-Throated Whiptail <i>Cnemidophorus hyperythrus</i>	California Species of Concern County Sensitive	Open Scrub Habitats – primarily Coastal Sage Scrub	YES	1 individual observed within Diegan coastal sage scrub near the southern property boundary and within proposed Open Space.
San Diego Banded Gecko <i>Coleonyx variegates abbottii</i>	California Species of Concern County Sensitive	Exfoliating Rock Outcrops within the transmontane high deserts.	NO	None – due to lack of rock/boulder outcrops on-site.
San Diego Horned Lizard <i>Phrynosoma coronatum blainvillei</i>	California Species of Special Concern County Sensitive	Open Shrublands at all elevations within Southern California.	NO	Moderate to High – due to appropriate habitat on-site.
Coastal Rosy Boa <i>Charina trivirgata roseofusca</i>	California Species of Special Concern County Sensitive	Rock / Boulder Outcrops	NO	None – due to lack of rock/boulder outcrops on-site.
San Diego Ringneck Snake <i>Diadophis punctatus similis</i>	California Species of Special Concern County Sensitive	Rock / Boulder Outcrops	NO	None – due to lack of rock/boulder outcrops on-site.
Coast Patch-Nosed Snake <i>Salvadora hexalepis virgultea</i>	California Species of Special Concern County Sensitive	Rock / Boulder Outcrops	NO	None – due to lack of rock/boulder outcrops on-site.
Northern Red Diamond Rattlesnake <i>Crotalus ruber ruber</i>	California Species of Special Concern County Sensitive	All habitat types	NO	Low to Moderate – due to appropriate habitats on-site.
Sharp-Shinned Hawk <i>Accipiter striatus</i>	California Species of Concern County Sensitive	Woodlands and Chaparral	NO	Low – may forage on-site within shrublands and riparian corridor.
Least Bell's Vireo <i>Vireo bellii pusillus</i>	Federally Endangered	Riparian Scrub	NO	None – Habitat on-site is not currently appropriate to support nesting.

Table 2. Potential for Occurrence of Sensitive Zoological Species Within the 19.73-Acre Mission Ridge Road Subdivision Development

SPECIES	SENSITIVITY STATUS	PREFERRED HABITAT	OBSERVED ON SITE	POTENTIAL FOR OCCURRENCE
Coastal California Gnatcatcher <i>Poliophtila californica californica</i>	Federally Threatened	Coastal Sage Scrub below 2,000-feet in San Diego County	NO	None – Focused protocol survey conducted within appropriate sage scrub habitat with negative results.
Southwestern Willow Flycatcher <i>Empidonax traillii extimus</i>	Federally Endangered	Riparian Woodland and Riparian Scrub	NO	None – Riparian habitat on-site is not currently appropriate to support nesting or other life functions; lack of open water within drainage.
Golden Eagle <i>Aquila chrysaetos</i>	California Species of Concern County Sensitive	Woodlands and Grasslands	NO	None – due to lack of appropriate foraging and nesting habitat on-site. High human presence will deter this species from utilizing the area for life functions.
Loggerhead Shrike <i>Lanius ludovicianus</i>	California Species of Concern County Sensitive	Open Grasslands and Deserts for foraging. Nests in trees.	NO	Low to Moderate – due to appropriate foraging habitat and potential roost and nest sites within shrubland habitats on-site. Was not observed during focused coastal California gnatcatcher surveys.
Turkey Vulture <i>Cathartes aura</i>	County Sensitive	All Habitat Types	YES	Observed flying over the site. Not expected to roost on-site.
Cooper’s Hawk <i>Accipiter cooperii</i>	California Species of Concern County Sensitive	Shrublands and woodlands	YES	One individual observed flying over the site. Not expected to nest on-site.
Red-Shouldered Hawk <i>Buteo lineatus</i>	California Species of Concern County Sensitive	Woodlands	YES	One individual observed flying over the site. Not expected to nest on-site.
Rufous-Crowned Sparrow <i>Aimophila ruficeps canescens</i>	County Sensitive	Sage Scrub	YES	One individual observed foraging in Diegan coastal sage scrub along western property boundary.
Bell’s Sage Sparrow <i>Amphispiza belli belli</i>	County Sensitive	Sage Scrub	NO	Moderate to High – due to appropriate habitat on-site. Was not observed during focused coastal California gnatcatcher surveys.
Pallid Bat <i>Antrozous pallidus</i>	California Species of Concern County Sensitive	Abandoned Buildings for roosting and open arid habitat types for foraging	NO	Moderate to high – due to the potential to roost on-site– due to presence of appropriate roosting structures. In addition, appropriate foraging habitat does occur on-site.

Table 2. Potential for Occurrence of Sensitive Zoological Species Within the 19.73-Acre Mission Ridge Road Subdivision Development

SPECIES	SENSITIVITY STATUS	PREFERRED HABITAT	OBSERVED ON SITE	POTENTIAL FOR OCCURRENCE
Yuma Myotis <i>Myotis yumanensis</i>	California Species of Concern County Sensitive	Abandoned Buildings, Caves, Mines, and Cliffs	NO	None - No potential to roost on-site– due to lack of appropriate roosting structures. However, appropriate foraging habitat does occur on-site.
Big Free-tailed Bat <i>Nyctinomops macrotis</i>	California Species of Concern County Sensitive	Prominent Cliffs and Cliff faces.	NO	None - No potential to roost on-site– due to lack of appropriate roosting structures. However, appropriate foraging habitat does occur on-site.
Greater Western Mastiff Bat <i>Eumops parotis californicus</i>	California Species of Concern County Sensitive	Cliffs and Cliff faces for roosting.	NO	None - No potential to roost on-site– due to lack of appropriate roosting structures. However, appropriate foraging habitat does occur within all three Areas.
Small-Footed Myotis <i>Myotis ciliolabrum</i>	California Species of Concern County Sensitive	Cliffs, abandoned buildings	NO	Low to Moderate - Appropriate foraging habitat present on-site, but no appropriate roosting habitat on-site.
Townsend’s Big-Eared Bat <i>Corynorhinus townsendii</i>	California Species of Concern County Sensitive	Abandoned mines and caves	NO	None – no appropriate roosting habitat on-site and no known roosting sites within the vicinity of the project area.
Stephens’ Kangaroo Rat <i>Dipodomys stephensi</i>	Federal Endangered State Threatened	Open and/or Disturbed Grasslands	NO	None – Habitat inappropriate and limited in size for inhabitation or colonization. No diagnostic above-ground sign detected during focused Stephen’s kangaroo rat habitat assessment.
Dulzura California Pocket Mouse <i>Chaetodipus californicus femoralis</i>	California Species of Concern County Sensitive	Open Scrub Habitats	NO	None –appropriate habitat, but restricted to the southern portions of San Diego County (south of Highway 94). (This species should be removed from this list for Fallbrook/Rainbow).
San Diego Desert Woodrat <i>Neotoma lepida intermedia</i>	California Species of Concern County Sensitive	Rock outcrops, cactus, and abandoned mines.	NO	None – due to lack of rock / boulder outcrops.
Southern Grasshopper Mouse <i>Onychomys torridus Ramona</i>	California Species of Concern County Sensitive	Valley Foothill Grasslands	NO	None – due to lack of appropriate habitat on site.
San Diego Black-tailed Jackrabbit <i>Lepus californicus bennettii</i>	California Species of Concern County Sensitive	Open Grasslands and Deserts	NO	None – Appropriate habitat present on-site, but species would have been detected if present during biological surveys.

Table 2. Potential for Occurrence of Sensitive Zoological Species Within the 19.73-Acre Mission Ridge Road Subdivision Development

SPECIES	SENSITIVITY STATUS	PREFERRED HABITAT	OBSERVED ON SITE	POTENTIAL FOR OCCURRENCE
Southern Mule Deer <i>Odocoileus hemionus</i>	California Species of Concern County Sensitive	Known to occur in a variety of habitats, but prefers shrublands, woodlands, and other habitats that provide concealment and thermal cover, and foraging opportunities.	NO	Low - Appropriate habitat present on-site, but species and/or sign would have been detected if present.
Ringtail Cat <i>Bassariscus astutus</i>	California Species of Concern County Sensitive	Chaparral, Oak and Riparina Woodlands, Cismontane Forests	NO	None – due to close human presence around the site. Appropriate habitat present on-site, but species and/or sign would have been detected if present on-site.
American Badger <i>Taxidea taxus</i>	California Species of Concern County Sensitive	Open Grasslands and Deserts	NO	None – due to close human presence around the site. Appropriate habitat present on-site, but species and/or sign would have been detected if present on-site.
Mountain Lion <i>Felis concolor</i>	California Species of Concern County Sensitive	Known to occur in all habitats.	NO	Low to Moderate - due to potential wildlife movement corridor within unnamed drainages. Not expected to be resident within the site boundaries due to lack of prey base.

APPENDIX G
California Natural Diversity Data Base Field Forms

Mail to:
California Natural Diversity Database
Department of Fish and Game
1807 13th Street, Suite 202
Sacramento, CA 95814
Fax: (916) 324-0475 email: WHDAB@dfg.ca.gov

For Office Use Only
Source Code _____ Quad Code _____
Elm Code _____ Occ. No. _____
EO Index No. _____ Map Index No. _____

Date of Field Work mm/dd/yyyy: 31 March 2004

Reset

California Native Species Field Survey Form

Send Form

Scientific Name: *Cnemidophorus hyperythrus*

Common Name: ORANGE-THROATED WHIPTAIL

Species Found? ☒ Yes ☐ No If not, why? _____

Total No. Individuals 1 Subsequent Visit? ☒ yes ☐ no
Is this an existing NDDDB occurrence? ☒ no ☐ unk.

Collection? If yes: _____
Number _____ Museum / Herbarium _____

Reporter: Ecological Ventures California, Inc.

Address: 15857 S. Silver Springs Road

Kingman, Arizona 86401

E-mail Address: ecologicalventr@aol.com

Phone: 928-692-6511

Plant Information

Phenology: _____% vegetative _____% flowering _____% fruiting

Animal Information

1	N/A	N/A	N/A	N/A
# adults	# juveniles	# larvae	# egg masses	# unknown
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
breeding	wintering	burrow site	rookery	nesting

Location Description (please attach map AND/OR fill out your choice of coordinates, below)

County: San Diego Landowner / Mgr.: Jerome H. Winter
Quad Name: Temecula Elevation: 610 to 835-feet
T 9S R 3W Sec 14, _____ 1/4 of _____ 1/4, Meridian: H ☐ M ☐ S ☐ Source of Coordinates (GPS, topo. map & type): GPS
T _____ R _____ Sec _____, _____ 1/4 of _____ 1/4, Meridian: H ☐ M ☐ S ☐ GPS Make & Model GARMIN 12XL
Datum: NAD27 ☒ NAD83 ☐ WGS84 ☐ Horizontal Accuracy w/in 5-meters _____ meters/feet
Coordinate System: UTM Zone 10 ☐ UTM Zone 11 ☒ OR Geographic (Latitude & Longitude) ☐
Coordinates: Easting/Longitude 110484594 Northing/Latitude 3694125

Habitat Description (plant communities, dominants, associates, substrates/soils, aspects/slope):

One individual observed within coastal sage scrub habitat on gently rolling terrain with a southern exposure near southwestern property boundary (Lot 4).

Other rare taxa seen at THIS site on THIS date:

Site Information Overall site quality: ☐ Excellent ☐ Good ☒ Fair ☐ Poor

Current / surrounding land use: Active orchards, rural residential, and natural riparian and scrub habitats.

Visible disturbances: Active orchard creation off-site.

Threats: Development.

Comments: Sage Scrub habitats to be preserved within "impact neutral" open space easements and biological buffers throughout the property.

Determination: (check one or more, and fill in blanks)

- ☐ Keyed (cite reference): _____
☐ Compared with specimen housed at: _____
☒ Compared with photo / drawing in: Peterson Field Guides - Western Reptiles and
☐ By another person (name): _____ Amphibians
☐ Other: _____

Photographs: (check one or more) Slide Print Digital
Plant / animal ☐ ☐ ☐
Habitat ☐ ☐ ☐
Diagnostic feature ☐ ☐ ☐

May we obtain duplicates at our expense? ☐ yes ☐ no

Mail to:
California Natural Diversity Database
Department of Fish and Game
1807 13th Street, Suite 202
Sacramento, CA 95814
Fax: (916) 324-0475 email: WHDAB@dfg.ca.gov

For Office Use Only
Source Code _____ Quad Code _____
Elm Code _____ Occ. No. _____
EO Index No. _____ Map Index No. _____

Date of Field Work mm/dd/yyyy: 14 January 2005

Reset

California Native Species Field Survey Form

Send Form

Scientific Name: *Accipiter cooperii*

Common Name: COOPER'S HAWK

Species Found? ☒ Yes ☐ No If not, why? _____
Total No. Individuals 1 Subsequent Visit? ☐ yes ☒ no
Is this an existing NDDDB occurrence? ☐ no ☒ unk.
Yes, Occ. # _____
Collection? If yes: _____
Number _____ Museum / Herbarium _____

Reporter: Ecological Ventures California, Inc.

Address: 15857 S. Silver Springs Road

Kingman, Arizona 86401

E-mail Address: ecologicalventr@aol.com

Phone: 928-692-6511

Plant Information

Phenology: _____% vegetative _____% flowering _____% fruiting

Animal Information

1	N/A	N/A	N/A	N/A
# adults	# juveniles	# larvae	# egg masses	# unknown
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
breeding	wintering	burrow site	rookery	nesting

Location Description (please attach map AND/OR fill out your choice of coordinates, below)

County: San Diego Landowner / Mgr.: Jerome H. Winter
Quad Name: Temecula Elevation: 610 to 835-feet
T 9S R3W Sec 14, _____ 1/4 of _____ 1/4, Meridian: H ☐ M ☐ S ☐ Source of Coordinates (GPS, topo. map & type): _____
T _____ R _____ Sec _____, _____ 1/4 of _____ 1/4, Meridian: H ☐ M ☐ S ☐ GPS Make & Model _____
Datum: NAD27 ☐ NAD83 ☐ WGS84 ☐ Horizontal Accuracy _____ meters/feet
Coordinate System: UTM Zone 10 ☐ UTM Zone 11 ☐ OR Geographic (Latitude & Longitude) ☐
Coordinates: Easting/Longitude _____ Northing/Latitude _____

Habitat Description (plant communities, dominants, associates, substrates/soils, aspects/slope):

One adult bird observed flying over the property.

Other rare taxa seen at THIS site on THIS date:

Site Information Overall site quality: ☐ Excellent ☐ Good ☒ Fair ☐ Poor

Current / surrounding land use: Active orchards, rural residential, and natural riparian and scrub habitats.

Visible disturbances: Active orchard creation off-site.

Threats: Development.

Comments: A majority of the upland habitats, grassland and riparian woodland will be preserved within open space easements and biological buffers throughout the property.

Determination: (check one or more, and fill in blanks)

- ☐ Keyed (cite reference): _____
- ☐ Compared with specimen housed at: _____
- ☐ Compared with photo / drawing in: _____
- ☐ By another person (name): _____
- ☐ Other: _____

Photographs: (check one or more) Slide Print Digital
Plant / animal ☐ ☐ ☐
Habitat ☐ ☐ ☐
Diagnostic feature ☐ ☐ ☐

May we obtain duplicates at our expense? ☐ yes ☐ no

Mail to:
California Natural Diversity Database
Department of Fish and Game
1807 13th Street, Suite 202
Sacramento, CA 95814
Fax: (916) 324-0475 email: WHDAB@dfg.ca.gov

For Office Use Only
Source Code _____ Quad Code _____
Elm Code _____ Occ. No. _____
EO Index No. _____ Map Index No. _____

Date of Field Work mm/dd/yyyy: 31 March 2004

Reset

California Native Species Field Survey Form

Send Form

Scientific Name: *Aimophila ruficeps*

Common Name: RUFUS-CROWNED SPARROW

Species Found? ☒ Yes ☐ No If not, why? _____
Total No. Individuals 1 Subsequent Visit? ☒ yes ☐ no
Is this an existing NDDDB occurrence? ☒ no ☐ unk.
Yes, Occ. # _____
Collection? If yes: _____
Number _____ Museum / Herbarium _____

Reporter: Ecological Ventures California, Inc.

Address: 15857 S. Silver Springs Road

Kingman, Arizona 86401

E-mail Address: ecologicalventr@aol.com

Phone: 928-692-6511

Plant Information

Phenology: _____% vegetative _____% flowering _____% fruiting

Animal Information

1	N/A	N/A	N/A	N/A
# adults	# juveniles	# larvae	# egg masses	# unknown
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
breeding	wintering	burrow site	rookery	nesting

Location Description (please attach map AND/OR fill out your choice of coordinates, below)

County: San Diego Landowner / Mgr.: Jerome H. Winter
Quad Name: Temecula Elevation: 610 to 835-feet
T 9S R 3W Sec 14, _____ 1/4 of _____ 1/4, Meridian: H ☐ M ☐ S ☐ Source of Coordinates (GPS, topo. map & type): GPS
T _____ R _____ Sec _____, _____ 1/4 of _____ 1/4, Meridian: H ☐ M ☐ S ☐ GPS Make & Model GARMIN 12XL
Datum: NAD27 ☒ NAD83 ☐ WGS84 ☐ Horizontal Accuracy w/in 5-meters _____ meters/feet
Coordinate System: UTM Zone 10 ☐ UTM Zone 11 ☒ OR Geographic (Latitude & Longitude) ☐
Coordinates: Easting/Longitude 110484594 Northing/Latitude 3694125

Habitat Description (plant communities, dominants, associates, substrates/soils, aspects/slope):

One individual observed within Diegan coastal sage scrub habitat on east facing slope.

Other rare taxa seen at THIS site on THIS date:

Site Information Overall site quality: ☐ Excellent ☐ Good ☒ Fair ☐ Poor

Current / surrounding land use: Active orchards, rural residential, and natural riparian and scrub habitats.

Visible disturbances: Active orchard creation off-site.

Threats: Development.

Comments: Sage scrub habitats to be preserved within open space easements and biological buffers throughout the property.

Determination: (check one or more, and fill in blanks)

- ☐ Keyed (cite reference): _____
- ☐ Compared with specimen housed at: _____
- ☐ Compared with photo / drawing in: _____
- ☐ By another person (name): _____
- ☐ Other: _____

Photographs: (check one or more)

	Slide	Print	Digital
Plant / animal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diagnostic feature	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

May we obtain duplicates at our expense? ☐ yes ☐ no

APPENDIX H
Request for *de Minimus* Exemption

GW

GARY L. PRYOR
DIRECTOR



County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017

SAN MARCOS OFFICE
338 VIA VERA CRUZ - SUITE 201
SAN MARCOS, CA 92069-2620
(760) 471-0730

EL CAJON OFFICE
200 EAST MAIN ST. - SIXTH FLOOR
EL CAJON, CA 92020-3912
(619) 441-4030

February 21, 2006

Michelle Moreno
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92008

Libby Lucas
CA Department of Fish and Game
4949 Viewridge Avenue
San Diego CA 92123

RE: Mission Ridge;TPM 20793; ER 03-02-068 - CONCURRENCE REQUEST FOR
DE MINIMUS EXEMPTION TO HABITAT LOSS PERMIT PROCESS

The County of San Diego requests concurrence for a de minimus exemption to the Habitat Loss Permit process for the above referenced project. If there is no response within 30 days of the date of this request, the County will assume concurrence and the exemption will be considered valid.

BACKGROUND

The project site is located east of Interstate 15 along Mission Ridge Road, and is within the North County Metro Planning Area of unincorporated San Diego County (APN 108-350-11-00). The project was discussed at the September 15, 2005 Batching Meeting.

In an October 13, 2005 letter, the County requested concurrence from the Wildlife Agencies for a de minimus exemption to the Habitat Loss Permit process for the proposed project. In a November 16, 2005 letter, your agencies expressed concerns that needed to be resolved in order to concur that a de minimus exemption was appropriate for the proposed project.

FINDINGS

Based on the habitat evaluations, a staff site visit, aerial photographs, the preliminary grading plan, biology report and protocol surveys, County staff recommends that this project qualifies for the de minimus exemption because of the following findings:

1. The project proposes removal of less than one acre of coastal sage scrub habitat as shown on the attached exhibits.

Mission Ridge TPM 20793

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February 21, 2006

2. The site is not occupied by the California gnatcatcher. A protocol California gnatcatcher survey was performed in Spring 2004 with negative results.
3. The project occurs in low value habitat or medium value habitat according to the NCCP Habitat Evaluation Model.

Based on the NCCP Logic Flow Chart, the quality of habitat supported on the Mission Ridge project is defined as being "Intermediate Potential Value for Long-term Conservation" for the following reasons:

- a. Is natural vegetation present? Yes.
- b. Is Coastal sage scrub present? Yes.
- c. Is Coastal sage scrub the most dense in the subregion? No.
- d. Is the land close to high value district? Yes, the site is located northwest of a satellite area identified in Attachment B of the NCCP Process Guidelines.
- e. Is the land located in a corridor between higher value districts? No.
- f. Does the land support high density of target species? No.

Impacts to CSS will be mitigated at a 2:1 ratio through the purchase of coastal sage scrub habitat credits at a formal mitigation bank. The applicant's proposed mitigation location is the Daley Ranch Mitigation Bank. The on-site open space will be placed into a dedicated Biological Open Space Easement, and will be designated as "impact neutral." The easement location is shown on the attached Open Space exhibit. Permanent fencing and signage will be required along the border of the on-site preserve areas, at the interface between the preserve and future development. The Open Space easement will protect a natural drainage along the eastern edge of the site, as well as a riparian buffer of at least 50-feet wide.

The applicant will be required to construct temporary fencing at the Open Space boundary prior to obtaining any building or grading permit(s). Employee activities, vehicles, equipment, and construction materials will be limited to those areas outside of the temporary fences. The applicant will be required to construct temporary fencing at the Open Space boundary prior to obtaining any building or grading permit. All construction activities must comply with the County's Watershed Protection Ordinance (WPO) and the approved Stormwater Management Plan for the project (J.H. Winter, November 8, 2003). The Stormwater Management Plan requires management and removal of solid waste during construction, as well as prevention of silt and run-off from the site onto adjacent lands through the use of silt fencing, fiber rolls, gravel bag berms, stabilized construction entrance/exit and ground cover on exposed slopes. A breeding season avoidance condition will also be included in the Tentative Parcel Map Final Notice of Approval.

4. The habitat loss will not preclude the design or prevent the preparation of the subregional NCCP reserve system.

Mission Ridge TPM 20793

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February 21, 2006

The property is isolated by surrounding agricultural and residential uses and the nearest high value district appears to be over 5 miles away to the west (Camp Pendleton). The project site is not part of a wildlife corridor and surrounding uses preclude the establishment of any functional wildlife corridor. The project will impact 0.89 acres of onsite CSS on the project site. Protocol California gnatcatcher surveys were performed with negative results. The habitat on site is not suitable for Stephens' kangaroo rat. No other narrow endemic or listed species were identified on-site.

The on-site open space preserve will be designated as "impact neutral." Although the open space will not count toward the project's mitigation requirements, it will contribute toward preservation of some existing native habitat in the Bonsall area. The proposed off-site mitigation will contribute to the development of a preserve system through the purchase and preservation of high biological value areas within the subregional NCCP reserve system.

5. The habitat loss is counted towards the five percent allowance of loss for the County of San Diego. Approved coastal sage scrub losses as of the date of September 8, 2005 and including this approval, for the entire unincorporated County that is not within the Multiple Species Conservation Program are presented in the following table:

Unincorporated Area Coastal Sage Scrub Cumulative Losses

Total loss allowed under five percent guideline:	2953.30 acres
Cumulative loss of Coastal sage scrub to date:	986.78 acres
Net loss due to this project:	0.97 acres
Total cumulative loss:	987.75 acres
Remaining loss under five percent guideline:	1965.55 acres

Please note that the County will require, as a condition of the project, mitigation for impacts to coastal sage scrub habitat in accordance with CEQA and the NCCP Conservation Guidelines and Process Guidelines. The County intends to prepare Mitigated Negative Determination for the Mission Ridge Minor Subdivision to comply with CEQA. The mitigation measures will be specified as conditions of the Tentative Parcel Map Final Notice of Approval (see attached proposed condition language). Enforcement of conditions is assured, as the applicant must dedicate the open space and limited building zone easements, purchase off-site mitigation, construct required fencing, install signage, and include the breeding season restriction on all grading plans prior to issuance of grading permits, improvement plans or the final Parcel Map.

ATTACHMENT C

Proposed Biological Conditions TPM 20793 Mission Ridge Minor Subdivision

- I. Prior to issuance of grading permits or construction permits, or on the Map, whichever comes first, the applicant shall:
 - A. Grant to the County of San Diego an open space easement as shown on the Open Space Exhibit dated [*to be prepared*] on file with the Department of Planning and Land Use as Environmental Review Number 03-02-068. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation.

The sole exceptions to this prohibition are:

 1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use.
 3. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.
- II. Prior to issuance of grading permits or construction permits, or on the Map, whichever comes first, the applicant shall:
 - A. Grant to the County of San Diego a Limited Building Zone Easement as shown on the Open Space Exhibit dated [*to be prepared*] on file with the Department of Planning and Land Use as Environmental Review Number **03-02-068**. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibits the construction or

placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

1. Decking, fences, and similar facilities.
2. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

III. Prior to obtaining any building or grading permit, the applicant shall:

- A. Submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that temporary fences have been placed to protect from inadvertent disturbance all open space easements that do not allow grading, brushing or clearing. Temporary fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The applicant shall submit to the Department of Planning and Land Use a statement from a California Registered Engineer, or licensed surveyor that temporary fences have been placed in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fence location shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned between the open space easement boundary and any area of proposed disturbance. The temporary fencing shall be removed after the conclusion of such activity. The temporary fencing condition shall be released on a parcel-by-parcel basis.

IV. Prior to occupancy of any dwelling unit and/or the conclusion of any grading activity, the applicant shall:

- A. Install permanent fences or walls to protect dedicated open space from inadvertent disturbance by grading, brushing or clearing. Permanent fences or walls are required in all locations of the project as shown on the Open Space Fencing and Signage Plan dated **[to be prepared]** on file with the Department of Planning and Land Use as Environmental Review Number **03-02-068**. The fence or wall shall be a minimum of four feet (4') high and consist of wire-strand or split rail fencing. Any change in construction materials and fence or wall design shall be approved by the Department of Planning and Land Use prior to installation. The permanent fence location(s) shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned just outside of the open space easement. Submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor

that permanent fences or walls have been installed. Photographs and a brief description of design and materials used shall be submitted with the statement from the California Registered Engineer. The permanent fencing condition shall be released on a parcel-by-parcel basis.

- V. Prior to the approval of grading or improvement plans and prior to the approval of the Map, the applicant shall:
- A. Submit to the Director, Department of Planning and Land Use evidence that permanent signs have been placed to protect all Open Space Easements in accordance with on the Open Space Signage Exhibit dated **[to be prepared]** on file with the Department of Planning and Land Use as Environmental Review Number **03-02-068**. Evidence shall include photographs of a sign placed on the project site and a stamped, signed statement from a California Registered Engineer, or licensed surveyor that permanent signs have been placed on the open space easement boundaries in accordance with the requirements of this condition. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

"Sensitive Environmental Resources
Disturbance Beyond this Point is Restricted
by Easement

Information:

Contact County of San Diego, Department of Planning and Land Use
Ref: 03-02-068"

- VI. Prior to approval of grading or improvement plans, and prior to approval of the Map, the applicant shall:
- A. Provide for the approval of the Director of Planning and Land Use evidence that 0.54 acres of coast live oak woodland habitat credit has been secured in a County approved mitigation bank located in North County. Evidence of purchase shall include the following information to be provided by the mitigation bank:
1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.

4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 0.54 acres of coast live oak woodland habitat in North County. A Habitat Management Plan (HMP) for the coast live oak woodland habitat must be submitted and approved by the Director of the Department of Planning and Land Use. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the HMP.

- B. Provide for the approval of the Director of Planning and Land Use evidence that 1.79 acres of coastal sage scrub habitat credit has been secured in a County approved mitigation bank located in North County. Evidence of purchase shall include the following information to be provided by the mitigation bank:
 1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 1.79 acres of coastal sage scrub habitat located in North County. A Habitat Management Plan (HMP) for the coastal sage scrub habitat must be submitted and approved by the Director of the Department of Planning and Land Use. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the HMP.

- C. Provide for the approval of the Director of Planning and Land Use evidence that 0.21 acres of southern mixed chaparral habitat credit has been secured in a County approved mitigation bank located in North County. Evidence of purchase shall include the following information to be provided by the mitigation bank:

1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 0.21 acres of southern mixed chaparral habitat located in North County. A Habitat Management Plan (HMP) for the southern mixed chaparral habitat must be submitted and approved by the Director of the Department of Planning and Land Use. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the HMP.

- D. Provide for the approval of the Director of Planning and Land Use evidence that 1.06 acres of non-native grassland or coastal sage scrub habitat credit has been secured in a County approved mitigation bank located in North County. Evidence of purchase shall include the following information to be provided by the mitigation bank:
1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 1.06 acres of non-native grassland or coastal sage scrub habitat located

in North County. A Habitat Management Plan (HMP) for the non-native grassland or coastal sage scrub habitat must be submitted and approved by the Director of the Department of Planning and Land Use. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the HMP.

- VII. Cause to be placed on grading and/ or improvement plans and on the Map, the following: "Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of coastal sage scrub habitat during the breeding season of the California gnatcatcher. This is defined as occurring between February 15 and August 30. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no California gnatcatchers are present in the vicinity of the brushing, clearing or grading."



U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92011
(760) 431-9440
FAX (760) 431-5902 + 9618



California Department of Fish & Game
South Coast Region
4949 Viewridge Avenue
San Diego, California 92123
(858) 467-4201
FAX (858) 467-4299

In Reply Refer To:
FWS-SDG-4644.2

March 22, 2006

Gary L. Pryor, Director
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, California 92123-1666

Attn: Christine Stevenson

Re: Request for a *de minimus* Habitat Loss Permit Exemption for the Mission Ridge TPM
20793, County of San Diego, California (APN 108-350-11)

Dear Mr. Pryor:

The California Department of Fish and Game (Department) and the U.S. Fish and Wildlife Service (Service), hereafter collectively referred to as the Wildlife Agencies, have reviewed the letter from the County of San Diego (County), dated February 21, 2006, received in our office on February 22, 2006, requesting a *de minimus* Habitat Loss Permit (HLP) exemption for the Mission Ridge TPM 20793, a residential subdivision. The comments provided herein are based on information provided in the *de minimus* HLP request, the biology report for the project, dated July 21, 2005, the Wildlife Agencies' knowledge of sensitive and declining vegetation communities in the County, and our participation in regional conservation planning efforts.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Act. The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381, respectively. The Department is responsible for the conservation, protection, and management of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act, and administers the Natural Community Conservation Planning Program (NCCP).

**TAKE PRIDE
IN AMERICA** 

Gary L. Pryor (FWS-SDG-4644.1)

2

The proposed project is a four-lot residential subdivision on a 19.96-acre parcel, located on Mission Ridge Road in Fallbrook, an unincorporated portion of the County. Our review of draft habitat evaluation maps of the North County Multiple Species Conservation Program (NCMSCP) indicates that native habitat on and off site is of "moderate" habitat quality and is located outside of the Pre-Approved Mitigation Area (PAMA). The project site is composed of coast live oak woodland (0.82 acre; CLOW), southern coast live oak riparian forest (1.18 acres), disturbed southern willow scrub (0.61 acre), coastal sage scrub (3.17 acres; CSS), granitic southern mixed chaparral (1.13 acres; SMC), non-native grassland (3.91 acre; NNG), orchard (2.73 acres), and disturbed habitat (6.42 acres; DIST). Sensitive species observed on site include southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), Cooper's hawk (*Accipiter cooperii*), red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), turkey vulture (*Cathartes aura*), and orange-throated whiptail (*Cnemidophorus hyperythrus*). No coastal California gnatcatchers (*Poliophtila californica californica*; gnatcatchers) were detected during protocol-level surveys conducted by Ecological Ventures California, Inc. during March and April 2004.

The project proposes in-kind mitigation for impacts to 0.18 acre of CLOW (3:1 ratio), 0.89 acre of CSS (2:1 ratio), 0.42 acre of SMC (0.5:1 ratio), and 2.12 acres of NNG (0.5:1 ratio) through the off-site purchase of habitat credits at a County and Wildlife Agency-approved mitigation bank or the conservation and management of in-kind habitats located in North County. The applicant has proposed to mitigate impacts to CSS at the Daley Ranch Mitigation Bank. In addition, 1.83 acres of orchard and 5.95 acres of disturbed habitat are proposed for impact, for which no mitigation is proposed.

The County previously requested concurrence on a *de minimus* exemption for the proposed project in a letter dated October 13, 2005. In a November 16, 2005, letter to the County, the Wildlife Agencies identified several concerns that needed to be resolved in order for us to concur with a *de minimus* exemption for the loss of CSS under the 4(d) Special Rule of the Act. Our concerns were that: (1) the project had not undergone the CEQA review process; (2) the appropriate findings had not been made to determine whether a *de minimus* exemption is appropriate; (3) the proposed mitigation for impacts to CSS should be clarified; (4) a minimum 50-foot buffer should be maintained between the outer dripline of the riparian vegetation and the fuel modification zone; (5) the construction activities should be scheduled to avoid the avian breeding season; and (6) additional conditions should be added to the HLP to avoid and minimize project impacts. With the exception of concern #1 which the County will address later, the County addressed our concerns during subsequent discussions with County staff and the applicant, and the currently proposed project-related biological conditions accompanying the request for the *de minimus* exemption incorporate our recommendations.

The Wildlife Agencies concur that issuance of a *de minimus* exemption for the take of coastal sage scrub under the 4(d) Special Rule of the Act is appropriate for the proposed project because

Gary L. Pryor (FWS-SDG-4644.1)

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the project is consistent with the interim *de minimus* coastal sage scrub loss criteria established in the NCCP as discussed below. We reserve the right to provide additional comments (e.g., all outdoor lighting should be shielded and directed away from the riparian habitat and associated buffer) on the proposed project upon review of the CEQA document prepared for the project.

- **Habitat loss will occur in low- or medium-value habitat.**
Based on the NCCP Logic Flow Chart, the quality of habitat on the project site is defined as being "Intermediate Potential Value for Long-term Conservation." The 3.17 acres of CSS on site is adjacent to residential development and agriculture to the north, east and west. The CSS in the southern portion of the project site is biologically connected to areas of similar value habitat. This portion of the project site will be placed within a biological open space easement in order to maintain connectivity to these off-site areas. In addition, our review of the draft NCMSCP Habitat Evaluation map indicates that the project site is mapped as "moderate" habitat quality and is outside of the proposed PAMA.
- **Habitat loss will be limited to less than 1.0 acre of coastal sage scrub habitat.**
The proposed project site supports 3.17 acres of CSS. The proposed project will impact 0.89 acre of CSS.
- **The impacted coastal sage scrub habitat is not occupied by the gnatcatcher.**
No coastal California gnatcatchers (*Poliaptila californica californica*; gnatcatcher) were detected during protocol-level surveys performed by permitted biologists in 2004. Due to the fragmented nature of the on-site CSS habitat and the lack of known gnatcatcher locations in the vicinity of the project site gnatcatchers are not anticipated to occur on site.
- **Habitat loss will not preclude preserve design.**
The loss of up to 0.78 acre of CSS will not preclude the preserve design of the County's draft NCMSCP, because it does not preclude connectivity between areas of high habitat value and is located outside of the PAMA.
- **Impacts to coastal sage scrub will be appropriately mitigated.**
Impacts to 0.89 acre of CSS will be mitigated at a 2:1 ratio through the purchase of 1.79 acres of coastal sage scrub mitigation credits from the Daley Ranch Mitigation Bank. In addition the remaining 2.27 acres of on-site CSS will be placed within a biological open space easement and preserved in perpetuity.

The *de minimus* exemption only allows for the loss of 0.89 acre of CSS associated with the proposed project and expires within one year of issuance by the County. Furthermore, the total acreage of CSS (0.89 acre) impacted by the project should be submitted to the San Diego Association of Governments (SANDAG) for the CSS regional tracking system. Please provide us with copies of any notification regarding the expiration of this permit.

APPENDIX I
Mitigation Bank Purchase Agreement



Environmental Land Solutions

2516 La Costa Avenue
Rancho La Costa, CA 92009
(760) 942-2397 FAX 942-5015

*Locating Environmentally Sensitive Property and
Coordinating Land Mitigation*

December 16, 2005

Jerry Winter
1101 First Street, Suite 407
Coronado, CA 92118

RE: Winter Mitigation (TPM 20793)

Dear Mr. Winter:

Please find enclosed the Agreement for the purchase of 3.06 credits of Chaparral/Coastal Sage Scrub habitat and 0.54 credit of Coast Live Oak habitat from the Daley Ranch Conservation Bank. The total cost for the land and management is \$53,640.00 (\$14,000 per credit for the CSS/Chaparral and \$20,000 per credit for the Oak). If this is acceptable, please sign and return directly to me for acceptance of the contract.

I have also enclosed a letter to be used with the County of San Diego to show you have the mitigation under contract. When we have the acceptance from the County for the proposed mitigation, you may send funds to the seller and the receipt will be issued for the County.

Please don't hesitate to call if you have a question.

Sincerely,

A handwritten signature in black ink that reads "Jim Carter". The signature is written in a cursive style with a large, stylized "J" and "C".

Jim Carter



**Environmental
Land Solutions**

2516 La Costa Avenue
Rancho La Costa, CA 92009
(760) 942-2397 FAX 942-5015

*Locating Environmentally Sensitive Property and
Coordinating Land Mitigation*

December 16, 2005

Jerry Winter
1101 First Street, Suite 407
Coronado, CA 92118

RE: Winter Mitigation (TPM 20793)

Dear Mr. Winter:

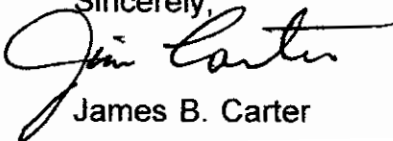
This letter is to confirm the availability and reservation of 3.06 credits of Chaparral/Coastal Sage Scrub habitat and 0.54 credit of Coast Live Oak habitat for the impacts associated with the TPM 20793. This is proposed for the Daley Ranch which has been approved for use as mitigation for County of San Diego projects.

The Daley Ranch Conservation Bank has been established and is owned and maintained by the City of Escondido to protect and preserve lands and other natural resources for scientific, educational, ecological, recreational, scenic and open space values and to ensure that these resources are preserved for future generations. The Daley Ranch serves the mitigation needs of the Multiple Habitat Conservation Program. A copy of the current credit sales sheet showing all sales from the Shea Homes allocation of the bank is attached for your review, use and file.

As soon as I receive the County's written approval of the proposed mitigation, I will deliver the Letter of Confirmation of Purchase from the Daley Ranch Conservation Bank showing the purchase of the required environmental credits.

If any additional information is needed, please feel free to call me.

Sincerely,


James B. Carter

**SHEA HOME'S
ENVIRONMENTAL CREDIT SALES AT
DALEY RANCH CONSERVATION BANK**

Total Credits in Ownership = 200 Credits

RESOURCES	CREDIT ALLOCATION BY HABITAT				Wetland	Non-Native	CREDIT
	Oak	Coast Live	Englemann	Chaparral/	Habitat	Grassland	TOTAL
DALEY RANCH	11		Oak 5	CSS 154	3	27	200

CLOSED SALES AND COMMITTED RESOURCES

CLOSED SALE STATUS	BUYER / PROJECT NAME	Coast Live	Englemann	Chaparral/	Wetland	Non-Native	CREDIT	PROJECT JURISDICTION
		Oak	Oak	CSS	Habitat	Grassland	TOTAL	
Closed 9/1/99	Shea Homes' Scripps Gateway						3	San Diego
Closed 7/12/02	Sprint PCS ZAP 00-130						0.2	County of SD
Closed 7/26/02	Keystone Comm. - Rock Springs			1.8			1.8	San Marcos
Closed 1/29/03	Gamboni Ranch (TM 5241RPL3)					22.4	22.4	County of SD
Closed 4/18/03	Barry Speer Project (2002-04-VRP)			0.92			0.92	Escondido
Closed 7/2/03	Stuart, Rodriguez, Hodsman			0.7			0.7	Encinitas
Closed 7/14/03	Emmet Project: Tarbert Ranch			1.94			1.94	Encinitas
Closed 8/15/03	Hall Land Co. Case No. 2002-09-VRP			2.57		4.6	7.17	Escondido
Closed 11/21/03	Jones Grading Permit 7592-G			1.74			1.74	Encinitas
Closed 11/26/03	Pacific Scene's Paradise Hills			8			8	Nat'l city
Closed 1/16/04	DBR Dev. Case 99-150; TM/CDP/EIA			0.7			0.7	Encinitas
Closed 3/9/04	Bruce Tebbs TM 20470	0.1	0.5				0.6	County of SD
Closed 3/24/04	Forecast Homes San Marcos (TM432)			8			8	San Marcos
Closed 5/7/04	Julian Country Estates, LLC	3.21	2.1				5.31	County of SD
Closed 7/19/04	Vistancia (TM 419)			7.8			7.8	San Marcos
Closed 7/14/04	Heritage Oaks LLC			7			7	County of SD
Closed 10/18/04	Washington Hills LLC (Shea Homes Use)	1.2					1.2	Escondido
Closed 12/15/04	Washington Hills LLC (Shea Homes Use)			4			4	Escondido
Closed 1/28/05	KB Homes (TM-5195)			9.6			9.6	Couty of SD
Closed 3/11/05	San Elijo Hills Road Extension			18.7			18.7	San Marcos
Closed 6/29/05	Carson Kiesel			3.56			3.56	Escondido

CONTINUED ON NEXT PAGE

CLOSED SALES AND COMMITTED RESOURCES CONTINUED

CLOSED SALE STATUS	BUYER / PROJECT NAME	Coast Live Oak	Englemann Oak	Chaparral/CSS	Wetland Habitat	Non-Native Grassland	CREDIT TOTAL	PROJECT JURISDICTION
Closed 8/23/05	Darwin Glen			1.8			1.8	Oceanside
Closed 8/23/05	Darwin Knolls			0.64			0.64	Oceanside
Closed 9/1/05	Karen Thompson (TM 5308)	0.5		15			15.5	County of SD
Closed 9/16/05	O'Brian (TPM 20477)			6.6			6.6	County of SD
Closed 9/26/05	Lynn & Eric Thuen (TPM 20585)			1.84			1.84	County of SD
Closed 10/17/05	Hallmark Sea Vista Colony			1			1	San Marcos
Closed 11/11/05	Darwin Knolls & Darwin Glen			4.08			4.08	Oceanside
Closed 12/16/05	Lash (TM 5220)			6.9			6.9	County of SD
Total Closed Escrow		5.21	2.6	114.89	3	27	152.7	
Remaining Available CREDITS		5.79	2.4	39.11	0	0	47.30	

PENDING OR COMMITTED SALES

COMMITTED STATUS	BUYER'S RESERVED RESOURCES	Coast Live Oak	Englemann Oak	Chaparral/CSS	Wetland Habitat	Non-Native Grassland	CREDIT TOTAL	PROJECT JURISDICTION
Contracted	Jerry Winter (TPM 20793)	0.54		3.06			0	County of SD
Total reserved		0.54	0	3.06	0	0	3.6	
Remaining CREDITS to be sold		5.25	2.4	36.05	0	0.00	43.70	

Revised 12/15/05

Management and Monitoring of Site being done by THE CITY OF ESCONDIDO, 201 N. Broadway, Escondido, CA 92025

CONSERVATION CREDIT
PURCHASE AGREEMENT AND ACKNOWLEDGMENT

This Conservation Credit Purchase Agreement and Acknowledgment ("Agreement") is entered into as of March 27, 2006 by and between Shea Homes Limited Partnership ("Seller") and Jerry Winter ("Purchaser").

RECITALS

A. Pursuant to that certain Conservation Bank Implementation Agreement for the Daley Ranch ("Implementation Agreement") dated January 23, 1997 by and among the City of Escondido, a municipal corporation, the State of California Department of Fish and Game, and the United State Fish and Wildlife Service, all parties acknowledged the creation of the Daley Ranch Conservation Bank and the right of Credit Holders to sell Conservation Credits as provided further therein. As a part of the Implementation Agreement, Seller acquired 200 Conservation Credits.

B. Purchaser desires to mitigate for the loss of certain natural habitat values on real property located in the County of San Diego, California being processed as the Winter Project, TPM 20793.

C. Purchaser desires to buy and Seller desires to sell to Purchaser, 3.06 credits of Chaparral/Coastal Sage Scrub and 0.54 credit of Coast Live Oak Woodland Conservation Credits ("Conveyed Credits") from the Conservation Bank on the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the agreements and acknowledgments set forth herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Seller and Purchaser hereby agree and acknowledge as follows:

1. The purchase price for the Conveyed Credits shall be \$53,640.00 ("Purchase Price").
2. Purchaser has deposited with Seller, or shall deposit with Seller on or before June 1, 2006 ("Closing Date"), immediately available funds in the amount of \$53,640.00.
3. Upon satisfaction of the conditions set forth in Paragraph 2 above, Seller shall execute and deliver to Purchaser the Acknowledgment of Sale of Conservation Credits attached hereto as Exhibit A.

4. Purchaser acknowledges and agrees that: (a) the purchase and sale of the Conveyed Credits shall be made on an "AS IS, WHERE IS, WITH ALL FAULTS" basis as provided for in the Implementation Agreement; and (b) no representations or warranties have been made or are made and no responsibility has been or is assumed by Seller or by any officer, agent, affiliate, or representative acting or purporting to act on behalf of Seller as to: (i) the conservation value of the property conveyed to the Wildlife Agencies in establishing the Conservation Bank, (ii) the conservation value or mitigation requirements of the Purchaser's Property, (iii) the acceptance of the Conveyed Credits by the Wildlife Agencies or any other Purchaser's Property, or (iv) any other fact or circumstance which might affect the Conservation Bank, the Purchaser's Property, or the Conveyed Credits.

5. Seller shall comply with the terms of the Implementation Agreement, including registration of the credit sale with the City of Escondido, which registration shall consist of providing the following: (i) the name of the person/entity receiving the credits; (ii) the number of credits sold; (iii) the effective date of the transfer; (iv) the name of the development project to which the credits have been or will be applied; and (v) the date of the application of the credits to the project; and (vi) the payment of any Endowment Fund payment required for the long-term management and maintenance of the Conservation Bank.

6. Time is of the essence in the Agreement. In the event the conditions set forth in Paragraph 2 above have not been satisfied by the Closing Date, at Seller's election in its sole and absolute discretion, upon written notice to Purchaser, this Agreement shall terminate and neither party shall have any further obligations hereunder except as provided in Paragraph 7 below.

7. Seller and Purchaser each represent to the other that it has not had any contract, agreement, or dealings regarding the Conveyed Credits with, nor any communication in connection with the subject matter of this transaction through, any consultant, broker, agent, finder, or other person who can claim a right to a consultant fee, commission or finder's fee in connection with the sale contemplated herein, other than the Seller's commission contact with Smith Properties for the payment of a 10% commission based on the Purchase Price. Seller shall be solely responsible for any commission fee owed to Smith Properties and agrees to indemnify, defend and hold Buyer harmless with respect thereto.

8. Purchaser and Seller agree that all understandings and agreements heretofore made between them or their respective agents or representatives are merged in this Agreement and the Exhibits attached hereto, and alone fully and completely express their agreement with respect to the subject matter hereof and supersede all prior agreements and understandings between the parties relating to such subject matter. Purchaser and Seller further agree that Purchaser has no responsibilities or obligations whatsoever regarding the Conservation Credits except as are expressly stated in this Agreement.

9. All deposits, except the Endowment Deposit, and any notice required or permitted to be made or given under this Agreement shall be made and delivered to the parties at the addresses set forth below each party's respective signature. All notices shall be in writing and shall be deemed to have been given when delivered by courier, when transmitted by facsimile (upon confirmation of successfully completed transmission), or upon the expiration of two (2) business days after the date of deposit of such notice in the United States mail, registered or certified mail, postage prepaid, return receipt required.

10. This Agreement shall be governed and construed in accordance with the laws of the State of California. In the event a dispute arises concerning the meaning or interpretation of any provision of this Agreement, or in the event of any litigation arising out of or related to the Agreement, the party not prevailing in such dispute or litigation shall pay any and all costs and expenses incurred by the other party in establishing or defending its rights hereunder, including, without limitation, court costs and reasonable attorneys' fees.

11. This Agreement may be executed and delivered in any number or counterparts, each of which so executed and delivered shall be deemed to be an original and all of which shall constitute one and the same instrument.

WHEREUPON, this Agreement has been executed as of the date first-above written.

SELLER: Shea Homes Limited Partnership,
a California limited partnership

By: _____
Authorized Agent

By: _____
Authorized Agent

9990 Mesa Rim Road
San Diego, CA 92121

PURCHASER: Jerry Winter

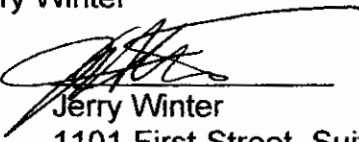
By:  _____
Jerry Winter
1101 First Street, Suite 407
Coronado, CA 92118
(619) 435-8900

Exhibit A

SAMPLE

ACKNOWLEDGMENT OF SALE OF CONSERVATION CREDITS

The undersigned seller hereby acknowledges that it has sold and conveyed to ____ (Purchaser) _____, ____ (Number) ____ of Coastal Sage Conservation Credits from the Daley Ranch Conservation Bank. All terms of this conveyance shall be governed by the provisions of the Conservation Credit Purchase Agreement and Acknowledgment between Purchaser and the undersigned dated _____.

SELLER: Shea Homes Limited Partnership,
 a California limited partnership

By: _____
 Authorized Agent

By: _____
 Authorized Agent

9990 Mesa Rim Road
San Diego, CA 92121

Dated: _____